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THE

ENGLISH IN AMERICA.

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VOL. I.

THE

ENGLISH IN AMERICA.

44890

BY

THE AUTHOR OF

"SAM SLICK, THE CLOCKMAKER," "THE ATTACHÉ,"
"THE OLD JUDGE," ETC.

"Nec quà commissas flectat habenas
Nec scit quà sit iter; nec si sciat, imperet illis."
OVID.

NAH 4

IN TWO VOLUMES.

VOL. I.

LONDON:
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1851.

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LONDON:
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DEDICATION.

My dear Lord Falkland,

I derive much more pleasure in having the opportunity of dedicating this Work to you, than, I am afraid, you will feel at seeing your name attached to a book containing many things in which I know you do not concur; and some that your friendship for me will cause you to wish were expunged.

I do not, by any means, desire to have it supposed, that it has obtained your sanction, as a Colonial Governor, for you have never seen the manuscript, nor have I had the advantage of your valuable advice and experience during its progress.

My reason for inscribing it to you, though twofold, is altogether personal. First—It will recall to your mind an old friend, who has spent many

happy hours in your society, and partaken largely of your kindness and hospitality, in time by-gone, when we discoursed *de omnibus rebus et quibusdam aliis*. Those days can never be recalled, or renewed; but memory would indeed be a source of unmitigated pain, if it only reflected the dark shades, and not the sunny spots of life. This book will show you, that my political views are unchanged. I should be ashamed of myself, if a dedication were necessary to prove that my affection is also unaltered. Secondly—I know of no one so conversant with the subject as yourself. I never had a very exalted opinion of what is called "Responsible Government," knowing that the term was an indefinite one, and that an interpretation had been put upon it by many people, that made it almost amount to sovereignty.

To you was entrusted the delicate and difficult task of introducing it into Nova Scotia. Of the independence, judgment, moderation, and manliness, with which this delegated duty was executed, I say nothing, because in all ages, and in all countries, there have been others, beside your Lordship, who could justly lay claim to these qualities. But one thing is most certain, that the late Lord Metcalf and yourself were the only two

men, either in the Cabinet or the Colonies, who understood the practical operation of the system; for while you conceded to the provincial Assembly, the entire control of its local affairs, you maintained your own position as the Queen's representative, asserted your rights as an independent branch of the Legislature, and at the same time upheld the Royal Prerogative. Those Governors wherever situated, who have put a wider and more extended interpretation on the term than yourself, have become mere cyphers; while those, who may wish to follow your example, will find, that unwise concessions have rendered the task both hopeless and thankless.

"Sibi quivis
Speret idem, sudet multum, frustraque laboret."

I am, my dear Lord Falkland,
Very sincerely and affectionately,
Yours, always,
THE AUTHOR.

Nova Scotia, March 31, 1851.

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ENGLISH IN AMERICA.

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THE early settlements made by the English in America were effected either by individual speculators or associated companies. They were in general situated at a distance from each other, having at first little or no connection, either political, social or commercial, among themselves, and de-

riving but trifling assistance, and less protection, from the mother country. They grew up into powerful colonies, in neglect and obscurity, with a rapidity and vigour that astonished Europe. They were without precedent in the previous annals of England, and the political agitation of the public mind in the present state, unhappily afforded no opportunity for establishing their relation on a proper foundation, or arranging a consistent and uniform plan for their government. The accounts we have of them, therefore, are detached, and their interest is destroyed for want of continuity. Every plantation has had its annalist, but the narratives are too local, too minute, and too similar in their details to be either interesting or instructive. No attempt has been made to separate the political from the provincial, and the general from the individual and petty personal history. This, doubtless, is the reason why so little is known of the old colonies previous to the independence, and so little benefit has accrued from past experience, either to Great Britain or her dependencies.

A connected sketch of English "rule and misrule in America," it is hoped, may, to a certain extent, supply the deficiency, while it will correct some popular errors on the subject, and furnish valuable material for reflection, not only to those statesmen to whom our destinies are entrusted, but to those restless politicians who imagine a

republican form of government suitable to the inhabitants of every country in the world.

Warned by past failures, the former may learn, ere it be too late, to abstain from making experiments which have long since been tried and condemned; to supply deficiencies which have heretofore cost the nation so dearly, to correct abuses arising from inconsiderate concessions, and to cherish and foster those establishments which in every stage of colonization have been the nurseries of loyalty to the monarch, and attachment to the nation. It will at least convince them that to substitute democratic for monarchical institutions is not the safest or best mode of retaining colonies, or enlisting the sympathy of their inhabitants.

The latter class (revolutionists) are numerous everywhere. Astonished and dazzled at the extraordinary success that has attended the great American experiment, they merely regard the result, without stopping to investigate the cause, and hastily conclude that that which has worked so well in the United States, and produced so much general prosperity and individual good, is equally applicable to, or attainable by, every other people. This is a great and fatal error. A government must not only be suited to the population, but to the country for which it is designed; and the moral and social condition of the one, and the

size, the climate, and political and relative position of the other, are of the utmost importance to be thoroughly understood, and maturely considered.

Thus a constitutional monarchy has proved inadequate in Spain to conciliate the affections or restrain the turbulence of the people. Responsible government in Canada has failed in its object, because it is incompatible with imperial control and colonial dependence, is unsuited to the poverty, ignorance, and inactivity of the French Habitants, and the predilections and prejudices of the English emigrants, and because it wants correlative and congenial institutions, and is deficient in federal strength and central gravitation. Royalty could not be acclimated in the United States, though the experiment were to be tried by a vote of a large majority. It is contrary to the genius of the people, their habits, institutions, and feelings. For these and other reasons, self-government has signally failed in all the republics of the southern hemisphere, though the constitution and example of the United States has been followed as closely as possible. Democracy has at present a feverish and delirious existence in France. It was not the deliberate choice of the nation, but the result of an insurrection. It offered a temporary shelter amid the storms of civil commotion, and was adopted as a harbour of refuge. How long will its neutral character be

respected by the irreconcileable parties that distract that unhappy nation?

My desire is, among other objects of this work, to show where and by whom republicanism was introduced into this continent, what its foundations are, how they were laid, and what provision has been made for its support and continuance. Having given a narrative of its origin, growth, and maturity, which can alone be compiled from provincial annals, I shall endeavour to explain briefly the complicated mechanism and simple action of the American federal constitution, and the balances and checks that have been so skilfully contrived by the great statesmen who constructed it; and also to point out the wonderful combination of accidental causes that contributed to its success, and the ability, unity, energy, and practical skill of the people, who work the machine and keep it in order and repair. The question has often been asked why may not this form of government be copied and adopted in England or France? The answer is to be found in every part of this history. It will be necessary most carefully to ascertain whether those things which have tended to its success in America exist, or can by any possibility be created in Europe. Its development must be traced step by step, day by day, from one event to another, and one generation and institution to another. Due weight must be at-

tached to the consideration who and what the people were who founded it, and who and what they are who now live under it, as well as the time and the place selected for the experiment.

We must then judge whether all these circumstances, or the greater part of them, were indispensably necessary to success, and, if so, whether there is anything analogous in Europe. I shall furnish the facts, let others build their own theories. I enter into no speculations, and, above all, offer no opinions as to the durability of this great republic of the western world, or how it will work when the population shall be proportionally as large as that of Europe. I simply portray it as it is.

Most men believe that the American Republic took its rise in a successful resistance of the provincials to an attempt on the part of Great Britain, in a Parliament in which they were not represented, to tax them without their consent, and that resistance led to a revolution, in which they asserted their independence, and finally obtained it in the year 1783.

This is a very natural mistake for those persons to fall into who are not acquainted with their early history, but a republic *de facto* was first formed at Plymouth, in New England, in 1620, and another far more extensive and flourishing one was erected in Massachusetts, in the years 1628 and 1629, both which subsisted in full force for a period of more than fifty years, without submitting to the

power, or acknowledging the authority of, the Parent State.

These independent communities founded the institutions, and disseminated the democratic opinions that were subsequently adopted by the continental provinces. The former are, with some small modifications, such as are in existence there at the present day, and the latter are identical with the views of their descendants. The reason that so little is known of the occurrences of this period I have already assigned, but they are essential elements in forming any just estimate of subsequent events, or an accurate opinion of transatlantic affairs. With these commonwealths our narrative must necessarily commence. I shall omit everything that does not either develop the character or principles of the people, or elucidate the views they entertained of their own supremacy, and their right to the soil, and government of the country of their adoption. I shall pass over also the earlier settlement at Plymouth with only a brief reference, as well on account of the greater growth and importance of Massachusetts, and the influence it always exerted on the neighbouring plantations, as to preserve the narrative entire.

At the end of half a century these two republics were rendered nominally subordinate to the empire, but remained practically independent, retaining their own self-government, resisting the encroachments

of the prerogative, zealously avoiding all acknowledgment of the right of parental control, either in external matters of trade, or internal affairs of legislation or police, until they felt strong enough, in conjunction with the contiguous colonies, to sever all connection whatever with Great Britain. It is a curious and instructive history, and well worthy of the attentive consideration of those who feel inclined to imitate, and imagine they are able to follow the example. They will be struck with the important fact that they commenced with small and isolated communities, having one common object in view, and possessing the means, the unity of political and religious opinions, and the mutual confidence and sympathy necessary to effect their purpose. There was nothing to pull down or remove, no privileged orders to reduce, no serfs to raise to a level with themselves, no pre-existing form of government to eradicate, no contending factions or intriguing leaders to subdue, and no populace to conciliate or control. The scene was a forest, and the actors intelligent and resolute men, drawn from the middle and not the lower orders of society, emigrants from a country having liberal institutions and a code of laws well calculated to secure and promote the liberty of the subject. They were beyond the reach and the observation of the Parent State, and were left unaided and unmolested to put their theories into practice. The

structure of the government thus adopted was simple, and suited to the exigencies and equality of their situation.

The civil divisions of the country, which became necessary from time to time, in consequence of their extended growth, and the internal management of their local affairs, corresponded with that of the first settlements, and were adopted not merely because they were democratic, but because they were best suited to their conditions, and in unison with their preconcerted object. One little village and neighbourhood gave rise to another little village and neighbourhood, and one distant settlement to another, until the country became populous, and the people too extended and numerous to meet together in council.

Delegated power then became indispensable, and a legislature arose in imitation of, and analogous to, that of England. Then came the necessity of establishing institutions, suitable not merely for a community but for a number of communities, not for the present generation but for posterity. For this task they were admirably well qualified. They were perfectly acquainted with those of the Parent State, under which they had been early trained, and had tested the modified forms they had temporarily adopted themselves on landing in the country. With this double experience, they were relieved from the difficulty of invention and much

of the danger of innovation. They came to the consideration of these subjects with minds free from all excitement. They had obtained no victory, and were not flushed with triumph. They had no opposition, and were not obstinate. The civil power was in their own hands, they could delegate as little or as much as they thought expedient to an executive. Authority was not demanded, it was conceded. Every individual had a strong personal interest. It depended solely upon himself and his own conduct whether he should administer the law or should silently submit to its operation.

Every measure to be adopted was an act of the whole body and not a party. Is it then to be wondered at, that with this experience they reasoned well, and decided wisely?

When we consider that all this occurred more than two hundred and thirty years ago, before civilization had made such mighty strides as it has in modern times, and that the people who then deliberated on the difficult problems of government and jurisprudence, though men of strong intellect and good parts, nevertheless laboured under the great disadvantage of having their tempers soured, and their understanding clouded by fanaticism and bigotry, we are struck with astonishment at the knowledge and consummate skill they displayed in laying the foundations of their political fabric; and if their system of jurisprudence was imperfect, it

is still infinitely better than could have been expected from persons of their peculiar religious belief.

It is in the annals of these two first Republics of New England that we must trace the origin and history of almost every institution now existing in the United States, the rise and progress of American opinions of federal union with the neighbouring sovereignties, of a separate jurisdiction, and of a central congress. At the period of the Revolution, much doubtless was added by the great statesmen of the day, beyond what existed in the olden time, but those additions were less conspicuous for their novelty and originality (for there was little new in them) than the wonderful skill exhibited in their adaptation to the then existing state of things, so as to preserve harmony and unity of action.

To ascribe to Washington, Franklin, Jefferson or Adams and their contemporaries the whole merit of the invention and creation of that wonderful republic, would be to rob the early planters of Massachusetts of their well-earned laurels. There are enough for both, let us appropriate them to their respective owners; and in so doing let us not forget to mention those circumstances, and they were many and most important, which were purely accidental, the mere offspring of chance, a work of the hand of Providence.

CHAPTER II.

The Reformation—Different conduct of the Protestants and Church of England—Religious differences lead to the settlement of North America—Division of the country into South and North Virginia—The latter explored by Captain Smith, and called New England — Delusive description of it — Distinction between the Nonconformists of Leyden who settled New Plymouth, and those who founded Massachusetts—Account of Brown, his principles, and recantations — The Brownists petition for toleration and are refused—Obtain a Charter in South Virginia—Settle at New Plymouth by mistake—Enter into a compact for self-government—First American Democracy—State of it at the end of six years.

At the Reformation, the sudden disruption of Papal authority naturally occasioned those who had hitherto been accustomed to travel in one common road to wander, when released, in various directions. What part of Romanism was true, and what false, what was to be retained or rejected, added or substituted, opened a wide field for

speculation and controversy. It is not to be wondered at, if men who had long ceased to think on such matters for themselves, found prejudice easier than reason, and thought their only safety consisted in getting as far away from the creeds, forms, and practices of Popery as possible, and mistook in their flight obstinacy for conscience, and submission to authority for a compromise of principle.

In consequence of the celebrated Germanic protest, all those both on the continent and in Britain, who dissented from Popery (although distinguished from each other by some peculiar name, derived from their teachers or their creeds), assumed the general appellation of Protestants. While they made war on the ceremonies of Rome, they retained her bigotry, and though they denied the power of dispensation to the Pope, they found no difficulty in absolving themselves from the obligation of their oaths of allegiance to their Sovereign. They clamoured, and suffered or fought for the exercise of private judgment and liberty of conscience. This they all united in, demanding to its fullest extent; and the singular interpretation they gave these terms is a remarkable instance of unanimity among a people who differed on almost every other subject. Each sect claimed exemption from persecution for itself, because it sincerely *believed* what it professed; but the right to persecute

others it by no means renounced, because it *knew* its opponents to be wrong.

The Church of England, on the contrary, which had enjoyed its apostolic succession, its orders of priesthood, and its spiritual independence in all its primitive purity for six hundred years before the aggression of the Roman Pontiff, very properly retained its own original name, to which no other body of Christians had any title whatever.* She threw off the domination she had been too feeble to resist, and the superstitions and human inventions that had been forced upon her, compiled her Liturgy, and settled her doctrine and ceremonies as nearly as possible in accordance with those she had held in those centuries that preceded the usurpation of Popery. In some or in all of these, furious zealots affected to think they discerned too great a resemblance still subsisting between the two Churches, and stigmatized the Prayer-book as antichristian, the surplice as a rag of Babylon, and the Holy Communion as the mass in English. These Protestants of various shades of opinion were known in Britain under the general name of Puritans, and as schism in

* A.D. 1689. The Upper House of Convocation sent down a bill to the Lower House, where the English Church was denominated a "Protestant Church." The Lower House expunged the word "Protestant," declaring they were not in unison with Protestants.

spiritual things naturally leads to temporal disobedience, they were very soon regarded (with what truth their subsequent history discloses but too painfully) as disaffected subjects, and treated alternately with suspicion or severity. To this state of things may be attributed in a great degree the settlement of New England.

Individual enterprise had hitherto been found unequal to the task. Mines of gold and silver constituted the main inducement, in the first instance, to explore the country. When the search for the precious metals was relaxed or abandoned, attention was directed to the fur-trade and the fisheries, from which great wealth was derived. But the settlement of the country was a slow and expensive operation, not likely to yield an immediate return, and liable to be frustrated by a variety of circumstances.

One hundred and twenty years had elapsed since the discoveries of Cabot, and every attempt at colonization had failed. Combination, therefore, was resorted to, that success might be insured by a union of means and an increase of the number of adventurers. James the First who was anxious to enlarge the limits of his dominions, divided all that portion of the continent that stretches from the 34th to the 45th degree of latitude into two immense provinces, of nearly equal size, and denominated them Southern and Northern Virginia.

The first he granted to an association called the London Company, and the second to a number of persons of influence and property known as the Plymouth Company. The supreme government of the colonies that were to be settled in this spacious domain was ordered to be vested in a council resident in England, and the subordinate jurisdiction was committed to local boards. The northern portion which was surveyed in 1614, by Captain Smith, was named by him New England, and it is to a part of this country only that I shall have occasion to refer, at any length. To allure settlers, the climate and soil were extolled as consisting of a sort of terrestrial paradise, not merely capable of producing all the necessaries and conveniences of life, but as already richly furnished by the beautiful hand of nature! The air was said to be pure and salubrious, the country pleasant and delightful, full of goodly forests, fair valleys and fertile plains, abounding in vines, chesnuts, walnuts, and many other kinds of fruit.* The rivers stored with fish and environed with extensive meadows full of timber trees. In the rear of this wonderful coast, and at about the distance of one hundred miles, it was said "there was a vast lake containing four islands, having great store of stags, fallow deer, elks, roebucks, beavers and other

* See Belknap's "Life of Ferdinando Georges."

game, and offering the most delightful situation in the world for a residence." Whatever this interminable forest might contain, it was certain that the sea that washed its shores was filled with fish, and numerous and valuable cargoes were constantly arriving to silence the doubts and awaken the enterprise of the mercantile community The distracted and unsettled state of men's minds on the subject of religion led many enthusiasts to think of the country as an asylum, who gladly entered into an enterprise that offered at once the prospect of gain and an exemption from ecclesiastical control. Accordingly, two considerable parties of fanatical adventurers migrated thither—the Separatists of Leyden called Brownists, and English Nonconformists. The former settled at Plymouth, and the latter at Massachusetts Bay.

The means, character, and station of these two were widely different, and though they are often considered as one people, and erroneously spoken of under the general name of Pilgrims, it is necessary to bear this distinction in mind. The first are represented as men of great zeal but of little knowledge. Many of the others were gentlemen and scholars, whose humility was not the result of their poverty but their pride. The one had already separated from their Church and quitted their native country before they came to America. The others having more to lose, for they were

men of no inconsiderable fortune, were less frank in avowing their opinions and less precipitate in their conduct, and outwardly conformed to the ceremonies of the Established Church until their embarkation. They had not assumed the name of Puritans themselves, nor was it applied to them by others. Their dissent, as well as their real object in emigrating,* was so well concealed from their co-partners in trade in England and from the King's government, that they were not only not suspected of schism, but actually entrusted with the duty and enjoined as a condition of their Charter to spread the Gospel.

The Separatists of Leyden, on the contrary, were well-known Dissenters, who had fled to Holland to avoid the penalties of the law. They were followers of the celebrated Brown, from whom they derived their name. This enthusiast was a man of quality, connected with several noble families; and the defection of such a person is always hailed with delight by the vulgar, as an evidence of great manliness on the one hand and

* So habitual was their reserve to the English partners, and so effectually did they conceal or disguise their opinions, that at the very time they were plotting the downfall and death of Laud, that prelate assured the King that several bishops, of very extensive dioceses, had reported to him there was not a single Dissenter to be found within their jurisdiction.

as a useful instrument of mischief on the other. Though many others were equally audacious, and far more eloquent and learned, their names have not survived their own generation. To his station alone is he indebted for the remembrance of his guilty secession. He aspired and attained to the honour of founding a *sect*. It was a period when every absurdity found an admirer, but he was determined to go as far as possible, and reached a point beyond which was the precipice that overhangs infidelity. He condemned the government of bishops, the ordination of ministers, and the offices, rites, and ceremonies of the public Liturgy. He maintained that the Church of England was neither lawful nor true, and that all Christians were bound to come out of Babylon and join him and his disciples, among whom there was nothing to be found that savoured not directly of the Spirit of God.* Having seduced those infatuated people from their Church, and caused them to fly from their native land, his success satisfied his ambition, and his enthusiasm expired for want of novelty. What was the astonishment of his deluded followers, when they heard that he had recanted his errors, submitted to his bishops, and rejoined the establishment. They then began to observe, what they had either not noticed before or had

* Fuller.

disregarded as unimportant, that he had a wife with whom he never lived, a church in which he never preached though paid for the duties, and a congregation whom he neglected though he did not omit to collect and receive his tythes. Revenge quickens the senses, and magnifies every object it beholds. They were astonished at such enormities, and regarded their idol rather as a demon than a saint. They immediately disowned his name, spurned the appellation of Brownists, and called themselves Congregationalists. Their situation at Leyden had become uncomfortable for them, and they were apprehensive they should be absorbed in a foreign population. Their means also were greatly reduced, and they saw no mode by which they could be recruited. They sensibly felt the effects on their zeal of the neglect or indifference of the Dutch.

So long as they were opposed or punished in England, it was easy for their leaders to face the flame of their sectarian ardour by appealing to their passions as men, and they derived a secret satisfaction in plotting the ruin of their rulers, both in State and Church, and in retaliating upon them the injuries, whether real or imaginary, they suffered at their hands. The moment the union for common defence was dissolved by repose, one great incentive to fanaticism was destroyed. Their vanity was no longer flattered by the sympathy of

a crowd who had regarded them as martyrs; and their learning was not such as to attract the applause or even the notice of continental scholars. In this state of depression they turned their eyes towards America, and sending agents to England, they applied to the Virginia Company for a patent of part of their territory, saying "they were well weaned from the delicate milk of their mother country, and inured to the difficulties of a strange land." They assured them they were knit together by a strict and sacred band, by virtue of which they held themselves bound to take care of the good of each other, and of the whole; and that it was not with them as with other men whom small things could discourage, or small discontents cause to wish themselves at home again. Though their agents found the company very desirous of promoting the projected settlement in their territory, and willing to grant them a patent with as ample privileges as it was in their power to convey, they could not prevail upon the King to give them a public toleration for their dissent, and they returned greatly disconcerted to their sorrowing friends.

The following year they determined to take their chance for toleration, judging very wisely that distance was a sufficient guarantee for their safety, and accepted the patent without pressing their petition to the King for his protection. It was

therefore agreed that a portion of them should proceed to America, and make preparations for the reception of the rest. The parting scene is described as an affecting one. Their clergyman, Mr. Robinson, was a pious and exemplary man, and his correspondence with this little body of pioneers shows how much the causes to which I have alluded had softened the feelings and lowered the extravagant language to which they had been accustomed. These letters, which are still extant, do equal honour to his head and heart. His last words of advice to his departing flock prove how deeply he was mortified by the desertion of their leader, and how much opprobrium and ridicule must have attached to them arising from his return to the Established Church, and his conforming to its doctrines and discipline. "I must advise you," he said, "to abandon, avoid, and shake off the name of Brownists: it is a mere nickname and a brand for making religion and the professors of it odious to the Christian world." Several of their number now sold their estates and made a common bank, which, together with money received from other adventurers who entered into the joint stock speculation, enabled them to emigrate and commence a plantation in due form. On the 10th day of November 1620, the Leyden adventurers anchored in America, and, late in December, having found a convenient harbour and a suitable spot for settle-

ment, landed and commenced building a village which, in token of their gratitude for the hospitality extended to them by their friends at the last port of embarkation, they called Plymouth.

Finding this place to be beyond the limits of the Virginia Company, they perceived at once that their patent was useless; symptoms of faction, at the same time appearing among the servants on board, who imagined that when on shore they should be under no government, it was judged expedient that before landing they should form themselves into a body politic, to be governed by the majority. After solemn prayer and thanksgiving, a written instrument was drawn up for that purpose, and subscribed on board the ship on the 11th of November 1620. This contract was signed by forty-one of the emigrants who, with their families, amounted to 101 persons. This singular document is as follows:—"In the name of God. Amen. We, whose names are undersigned, the loyal subjects of our Sovereign Lord King James, &c., &c., having undertaken, for the glory of God and advancement of the Christian faith and honour of our King and country, a voyage to plant the first colony in the northern part of Virginia, do, by these presents, solemnly and mutually in the presence of God and one another, covenant and combine ourselves together into a civil body politic for our better ordering and preservation, and fur-

therance of the ends aforesaid, and by virtue hereof do enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions and offices, from time to time as shall be thought most meet and convenient for the general good of the colony, unto which we promise all due submission and obedience." They then proceeded to elect a Governor and choose subordinate officers. Thus did these people find means to erect themselves into a republic, even though they had commenced the enterprise under the sanction of a charter.

In the true spirit of separatists they founded their Commonwealth in disobedience or defiance of Royal Authority, for they were expressly denied a guarantee for the toleration of sectarianism, and they commenced their plantation at a place which they knew belonged either to the King or another company. It was a self-created, independent, democratic government. The office of governor was annual and elective, but their pastor at Leyden very prudently advised them, as their number was so small, to entrust the whole power at first to that functionary, until they were populous enough to add a council and constitute a legislature, quaintly observing: "that one Nehemiah was better than a whole Sanhedrim of mercenary Shemaiahs." Their patent gave a title to the soil, but prerogatives of government according to the ideas of the English lawyers could only be exercised under a charter

from the Crown. A considerable sum was spent in the endeavour to obtain such a Charter, but without success. Relying, however, upon their original compact, the colonists gradually assumed all the prerogatives of government, even the power, after some hesitation, of capital punishment. No less than eight offences are enumerated in the first Plymouth Code as punishable with death, including treason or rebellion against the colony, and "solemn compaction or conversing with the devil." Trial by jury was early introduced, but the penalties to be inflicted on minor offences remained for the most part discretionary. For eighteen years all laws were enacted in a general assembly of all the colonists. The Governor, chosen annually, was but president of a council, in which he had a double vote. It consisted first of one, then of five, and finally of seven members called assistants. So little were political honours coveted at New Plymouth, that it became necessary to inflict a fine upon such as, being chosen, declined to accept the office of Governor or assistant. None, however, were obliged to serve for two years in succession.*

They were often not only destitute of money, but equally devoid of credit; for in 1686 having occasion to borrow one hundred and

* Hildrith.

fifty pounds, the risk was considered so great that they could only procure it at the enormous interest of fifty per cent. Nor did the town flourish as was expected from one erected in a country like Canaan. At the end of four years, one hundred and eighty persons inhabited a village composed of thirty-two dwelling-houses where there "strayed some cattle and goats, but many swine and poultry." This was doubtless owing to the uninviting character of the country, and the repulsive austerity of manners of the first settlers; but more than all, to the mistaken policy of holding their property, not in severalty, but as joint stock. Their poverty however eventually proved their best security, by procuring for them a contemptuous neglect, that left them the uninterrupted enjoyment of their little democratic commonwealth until 1692, when it was absorbed by the second Charter of Massachusetts, which annexed it to that populous and flourishing province.

CHAPTER III.

Inducements to settle Massachusetts—Puritans prevail upon the King to give them a Charter, under the idea that they were churchmen—Some account of it—Endicott settles Salem—Disturbs Moreton, cuts down Maypole, and calls the place Mount Dragon—Founds a Church on Congregational principles—Arrests and transports Episcopalians—Intrigue for removing the Charter to America and discussion thereon—Reasoning of the emigrants on the subject of allegiance—Removing of Charter—Large immigrations—Cost of outfit—Address to the clergy of England—Character of the Puritans.

THE settlement at Plymouth, and the exaggerated accounts of its condition and prospects spread by the emigrants, to induce others to join them, attracted universal attention. Puritanism had not then assumed a distinct form, although its ramifications were widely spread beneath the surface. It was not deemed safe by that party openly to connect themselves with people, who had com-

menced their settlement without a title, and were avowedly separated from the Church. It was left, therefore, to its natural increase, and to unconnected and individual emigration. But the leaders of this discontented party saw that something of the kind could be effected upon a large scale, if their real intentions were properly masked in the first instance. There were at that time three objects that occupied men's minds in connection with emigration. First, to avoid ecclesiastical control; secondly, to spread the Gospel among the savages; and thirdly, to aid and further commercial pursuits. Each had its advocates, and for each, men were willing to advance the requisite funds, and incur the inevitable risk. The most able, artful, persevering and influential of these parties were the Puritans. Calling themselves churchmen, they eulogized the liberality, and encouraged the ardour of those who, in attempting to employ a trading company to convert the heathen, exhibited more zeal than knowledge. To those who were inclined to seek their fortunes in the New World as husbandmen, they praised the soil, extolled the climate, and dwelt on the advantage of living in a country exempt from taxes, in the capacity of proprietors, and not as tenants. To merchants who regard trapping beavers with more interest than taming savages, it was only necessary to mention the advantage navigation would derive from a port

in a distant land, where provisions could be procured and ships repaired, or laid up in safety in winter.

It was one of the best veiled, deepest laid, and most skilfully executed schemes to be met with in history. After these three parties were engaged in the work, and had pledged their funds to forward the undertaking, they purchased from the Council of Plymouth all the territory extending from three miles north of the river Merrymack, to three miles south of Charles River, and in breadth from the Atlantic to the Southern Ocean. Their legal advisers, however, expressed some doubts as to the propriety of founding a colony on the basis of a grant from a private company of patentees, who might convey a right of property in the soil, but could not confer the jurisdiction or privilege of governing that society, which they contemplated to establish. As it was only from royal authority such powers could be derived, it became necessary for them to lose no time in making their application to the King. But how was he to be won over and cajoled? They were aware that he was open to flattery, but they knew also that he was suspicious of Low Churchmen, whom he very justly considered as little better than Dissenters; that he was surrounded by able counsellors, and alive to his own interest and that of the State. The task was a difficult one, but as its success was indis-

pensable to their future objects, they approached it with the firmness and courage of determined men. With the most unblushing effrontery they spoke to him of their dear Mother Church in terms of great affection and regard, enlarged upon his duty to christianize the heathen, who all over the world were falling a prey to the Jesuits, while discontented Protestants were quarelling about small matters of forms. They descanted with great apparent sincerity upon the danger of leaving the Continent open to other nations to intrude upon, and portrayed in glowing terms the vast advantages that would accrue to his Majesty's treasury from an increase of commerce. The King was delighted to find that the doubts he had entertained of the loyalty and orthodoxy of some of the company were groundless, and the offer to extend the limits of his dominions, to plant his Church in America, and, by stimulating commerce, to add to his revenue (which was very inadequate to his wants), was too agreeable to be refused. A charter of confirmation was, therefore, granted to his loving subjects, dated 4th of March, 1628.

By this patent the company was incorporated by the name of "The Governor and Company of Massachusetts Bay, in New England," to have perpetual succession, to choose a Governor, Deputy Governor, and eighteen assistants, on the last Wednesday in Easter Term yearly, and to make

laws, not repugnant to those of England, "whereby," to use the words of the King in the patent, "our said people inhabiting there may be so religiously, peaceably, and civilly governed, as their good life and orderly conversation may win and invite the natives of that country to the knowledge and obedience of the only true God and Saviour of mankind and *the Christian faith, which, in our royal intention, and the adventurers' free profession, is the principal end of this plantation.*" The Governor and assistants were required to administer the oaths of supremacy and allegiance to all persons who from time to time should go thither. As a compensation for the great outlay which they would necessarily incur in so onerous an undertaking, they were exempted from all taxes and subsidies for seven years within the colony, and from custom duties in England for the space of twenty years.

While these negociations were going on, the company dispatched a small party under Endicott, an active and zealous agent, but an imprudent and violent man, to select a place for settlement. The part he made choice of was known by the natives as Hanekeag, which, according to the affectation of his sect, to employ the language and appellations of Scripture in the common affairs of life, he called Salem. He was particularly cautioned not to commit any rash act at that juncture, as it was

the intention, as well as the interest of the association, "to keep an *obsequious eye* to the State;" his first measure, however, was an illegal invasion of a neighbouring plantation. A man of the name of Morton resided not far off, on lands held under a patent from the same Great Plymouth Company from which they themselves derived their title. This place, in a most godless manner, he ventured to call "Merry Mount," and decorated it with a maypole, the first real "liberty staff" ever erected in New England. Such a scandal in the eyes of this rueful agent justified invasion. He and his party proceeded thither, removed the abomination, and threatened to disperse the people whose profaneness shocked his own associates, and set a dangerous example to the savages. To testify his horror at their impiety, he named their abode "Mount Dragon."

Among those who soon after joined Endicott, were two gentlemen of the name of Brown, men of large property, original patentees, and of most unexceptionable conduct. Duped by the professions of the Puritans, who called themselves Episcopalians, who spoke of the Church as "their dear Mother," who avowed their motives to be the advancement of religion, and had accepted the Charter on condition of taking the oaths of supremacy and allegiance, they never for a moment supposed they could be the victims of treachery.

They were appointed councillors to Endicott, who had been advanced to the rank of Governor, and were especially recommended to his "favour and furtherance." They had sincerely at heart one of the main objects of the association, and the only one that had induced them to take any interest in the company, the evangelizing the heathen. To their horror they soon found they had been entrapped into a sectarian league, in which it was difficult at that time to say whether trade or puritanism was most predominant. But it was manifest to them that instead of there existing any intention in the local board to spread the Gospel, their object was to confine it within the smallest possible limits, as in their opinion a chosen people like themselves, were the best depository for that which was designed rather for the elect, than for mankind.

The Govenor had been advised by the separatists at Plymouth, to lose no time in organizing a Church, and accordingly a confession of faith was drawn up, and signed by him and his party. In this first transaction, they displayed the extent of the innovation at which they aimed. They elected a pastor, a teacher, and an elder, whom they set apart for their respective offices by imposition of hands of the brethren; and they resolved that no person should thereafter be received into communion, until he gave satisfaction to the society

with respect to his faith and sanctity. The form of worship they instituted was without a liturgy, disencumbered of every superfluous ceremony, and reduced to the most extreme standard of Calvinistic simplicity. The Browns, however, and their friends met as usual on Sunday, and read the service, and offices for the day from the Prayer Book. For this offence they were summoned to appear before the Governor, and answer for their contumelious conduct, and heretical doctrine. At the time appointed they expostulated with their bigoted and arbitrary ruler. They told him they were Episcopalians (as they had believed, when they entered into the association, every other member was); that they thought so wide a departure from the Charter and their oaths, as exhibited by the covenant which they had so recently executed, would lead to the lowest forms of dissent, and eventually terminate in the loss of their patent. At all events, they said, to belong to the National Church was not a criminal act in any part of the King's dominions; that their Charter *reserved* to them all the rights of British subjects and above all, expressly forbad them from making any law repugnant to those of England.

They were given to understand in very violent language, that they were not in Europe, but in America, and that though they might be right as to its not being illegal to profess the doctrine of the

establishment, yet creating divisions (which separation did) was a serious offence, and very dangerous in its tendency. They were accordingly sentenced to close confinement, and to be transported back to London by the first vessel. While their persons were thus secured, their desks were forced, and their letters to their private friends abstracted, for the purpose "of preventing the reputation of the colony from being injured." Bancroft, their devoted admirer and apologist, thus condenses the reasons of the colonists for this persecution.* "Should the emigrants give up the very purpose for which they had crossed the Atlantic? should hierarchy intrude upon their devotions in the forests of Massachusetts? They deemed the co-existence of prelacy and their liberty impossible. Anticipating an invasion of their rights, they feared the adherents of the establishment, as spies in the camp, and the form of religion from which they had suffered was repelled, not as a sect but as a tyranny. They were banished from Salem because they were Churchmen. Thus was Episcopacy first professed in New England, and thus was it exiled."

On their release in their native country, the Browns remonstrated bitterly against the perversion of the Charter by so gross an outrage committed on themselves. The company, with a caution and

* "History of the United States," vol. II. p. 349.

adroitness that never forsook them, and ever after formed their most striking characteristic, stifled the complaint by having it referred to arbitration, and escaped animadversion by withdrawing it from public discussion.* The Browns found in the course of these proceedings the whole aspect of affairs changed. Many of the original shareholders had sold out or lost their interest in the speculation. Everything was managed with such secrecy by a few influential members, that it was manifest some very serious and dangerous plot was in agitation, and they quitted the company in disgust. Their suspicions were soon justified, by one of the most singular events in the history of England, and by far the most important one in that of America, the fraudulent and clandestine removal of the Charter to Massachusetts.

We have seen how the King and the Church were duped as to the real objects of the association. The merchant adventurers were equally deluded. Their contributions were spent in founding a colony; no trade was ever carried on for their joint account, or ever intended to be, and at the end of seven years the partnership was closed and no dividend whatever declared, or any compensation made to the unfortunate absentees by those who had pos-

* Hutchinson says the result of this reference is not known.

sessed themselves of the whole property. The repeated instances of duplicity in which they had succeeded, paved the way for the seizure of the patent, an act that surpassed them all in boldness of design and dexterity of execution. Several persons of station and means attached to the party who, as it has been well observed, "feared more than they suffered," privately tampered with the governor, Mr. Craddock, and offered to emigrate with their families provided the Charter could be removed with them. With this important instrument in their hands, three thousand miles away from the Star Chamber and visitorial power of the King, they said they would feel secure from intrusion. Craddock knowing how much better their affairs would be managed by a local administration, fell into their views, and at a meeting at the general court in London, in 1629, proposed to the board "for the advancing the plantations, for the inducing of persons of wealth and quality to remove thither, and for *other weighty reasons*, to transfer the government to those who shall inhabit them, and to continue no longer the same subordination to the company here."

Such an extraordinary proposition naturally led to a warm debate. Those who were not in the plot were taken by surprise, and argued the point as if it had not been predetermined upon.* They

* Hutchinson (vol. 1, p. 18) says, "It is evident from the Charter, that the original design of it was, to constitute a

said their Charter, like those of all other trading associations, and especially like that of the East India Company, was intended to be kept, and its officers to meet, in England; that to remove it would be utterly useless, for it was not a constitution, but a corporation, and wholly inapplicable to the purposes of a civil government, which it never contemplated; that it contained no provision for a judicature, or executive body, or a legislature; that a whole people, though freemen, could not assemble four times a year, and there was no power of delegation given to them; but above all that it was a flagrant act of usurpation, and a daring attempt to infringe upon the King's rights. The conspirators affected to be strongly impressed with these powerful reasons, and said there was so much

corporation in England like to that of the East India and other great companies, with power to settle plantations within the limits of the territory, under such forms of government, and magistracy, as should be fit and necessary." Bancroft (Hist. vol. I. p. 384), speaking of Sir Harry Vane, says, "His clear mind, unbiassed by previous discussions, and fresh from the public business of England, saw distinctly what the colonists did not wish to see, the really wide difference between the practice under their Charter, and the meaning of the instrument on the principles of English jurisprudence." Kent and Story are of the same opinion, and so is Robertson. See his "History of America," vol. IV, p. 282. Indeed the only wonder is, that any person could be found to think it even admitted of a doubt.

weight in them that they would consult counsel, and for that purpose adjourned the meeting, having first agreed, however, "To carry the matter secret, that it be not divulged."

This opposition and delay having been foreseen, was provided against. They had taken the precaution to retain a Puritan lawyer, of the name of White, whose knowledge seems to have been on a level with his honesty, who had an opinion on the subject already prepared; and at the next court it was resolved "That the government of the colony be transferred to New England." This decision, however, was far from being satisfactory to all the members. There were many present who had adventured their money that had no idea of emigrating, and who did not like to have both their property and patent transferred to another hemisphere. An attempt at compromise was made by resolving that "the government of persons" should be established in Massachusetts, and "the government of trade and merchandize" be retained in London. Professions and promises were so familiar with the conspirators, that they obtained their purpose by resorting to them now. The "planters" undertook and engaged with the "adventurers," for so the respective resident and non-resident parties were designated, to divide the whole joint stock, with all its vast accumulations, at the end of seven years, and pay over or assign to each

proprietor his respective share. A fortune at the end of seven years they considered better than a present quarrel, and they yielded. It was the last they ever saw of the emigrants, and all that they ever heard of their transatlantic stock.

Such has ever been the fate of an union between hypocrisy and avarice. The regular habits, devout conduct, and high professions of the former, seldom fail in obtaining the control of the funds, and the temptation to appropriate them is too strong for stimulated honesty. However humiliating to sectarians the fact may be, it must be admitted that dissent thus set the first example of absconding to America with partnership effects. Having equally deprived the King, the Church, the savages, and the "adventurers" of their rights, it was necessary now to delude themselves, and silence, if possible, their own scruples, if their doubts deserve such a respectable name. A new, important, and very difficult question arose for their consideration, in what relation were they to stand to the mother country? Most of the proprietors held that they had a perfect right without any Charter from the Crown, to establish such sort of government as they thought proper, and to form a new commonwealth, as fully as if they were in a state of nature and were making their first entrance into civil society.

Men who can justify a separation from their

Church, and see no sin in schism, can soon satisfy themselves that fealty is a local, and not a general duty. With respect to implied allegiance, the only true and sensible view of the matter, it was argued, was that subjection was of two kinds, necessary and voluntary. From actual residence within any government, there naturally arose an obligation to submit to the laws and authority thereof. But birth was no necessary cause of allegiance. The subjects of any prince, or nation had a perfect right to remove to any other state or part of the world, unless their own country were weakened or exposed by such removal, and even in that case if they were deprived of liberty of conscience it would justify a separation, and upon their departure their co-relative obedience determined and ceased altogether. The country to which they were about to remove was claimed and possessed by absolute princes, whose title to the lordship and sovereignty thereof had been acknowledged by kings of England, by purchasing some portion of their territory; this they also proposed to do, and then they would stand in their place, as original and independent proprietors of the soil. It was obvious, therefore, they said, that as their migration from England would terminate their necessary civil subjection, their patent would be a great protection, not merely from foreign ag-

gression but from the King himself; for at most it would only create a voluntary sort of dependence, and if any question should arise as to its nature and extent, it must be decided by the document itself. Their situation, and that of the people of London, it was argued, was widely different. The compact between the sovereign and the inhabitants of that city, as contained in its charter, was not the origin of their allegiance, but their actual residence, and so soon as any of them removed out of the kingdom, that necessary subjection immediately changed its nature, and became optional.

Now what would be the character of the new relation in which they would stand to the King? for that was an important question. It was, they said, simply an understanding, not to subject themselves to, or seek protection from any other princes, and this they were willing to promise. Having silenced or satisfied their apprehensions by this mode of reasoning, and assured themselves that accepting their patent involved no compromise of this liberty, they set themselves to work in earnest to prepare for embarkation. A fleet of fourteen sail was assembled for the transportation of fifteen hundred passengers, and on the 6th day of July twelve of the ships arrived at Massachusetts Bay, conveying the Governor, the officers of the Com-

monwealth, and the Charter. The expense of this equipment amounted to twenty one thousand two hundred pounds sterling.*

On the 19th of October, 1630, the first General Court was held at Boston, where the Charter was produced, and publicly read to the assembled people, amidst the most profound silence, and listened to with the deepest emotions of veneration and delight by those whose independence its removal had effectually secured. This was the commencement of the republic of Massachusetts. It was founded on democratic principles, guarded with the most zealous vigilance, and supported and extended with cautious, but determined resolution; when they surveyed their situation they felt assured they had nothing to fear from within. They were all democrats, and alike hostile to the Church and State they had so cheerfully abandoned at home. But when they reflected on their isolated situation, the inadequacy of their means to such a vast undertaking as settling a community of strangers in a wilderness, the distrust with which they knew they would be regarded by the Church, and the indignation which the removal of their Charter would naturally excite in the Court, they were

* The expense of settling this colony amounted, during the first twelve years, to two hundred thousand pounds. See 1st Douglas, 428.

alarmed, but such was their courage and self-reliance, they were not dismayed or discouraged. They apprehended danger from three sources, the crown, the hierarchy, and the parliament, as they were equally dreaded, and hated; they continued until the close of the war of independence, in 1783 to be objects of their peculiar aversion.

The deception practised by these people throughout the whole of their negotiation in England, seems to admit of no further addition, but their very last act was to publish a manifesto to the clergy of the Established Church, assuring them that they were in fact and in heart members of the same communion, and solicited their prayers and their blessings on this undertaking. They entreated them to believe, to use their own words: "that they esteemed it their honour to call the Church of England their dear mother, and they could not leave the country where she resided without tears in their eyes. We leave it not, therefore," they said, "as loathing that milk wherewith we were nourished there. But blessing God for the parentage and education, and as members of the same body shall rejoice in her good, and while we have breath, sincerely desire and endeavour the continuance and abundance of her welfare, with the enlargement of her bounds in the kingdom of Jesus Christ,"* and much more

* See the original letter in Book II, Chap. 7, of this work.

to the same effect. History can scarcely furnish such an instance of consummate hypocrisy.

The accounts of their early settlement in general circulation are chiefly those written by themselves or their descendants, who are their eulogists. Such being the case, truth can only be ascertained by a careful examination of original documents and obsolete contemporaneous works. They were always anxious to be considered as martyrs, and laid claim to all that is noble in conduct, exalted in principle, and pure in religion, while the Sovereign whom they duped, has been represented as a tyrant, and the prelates, whom they publicly flattered and privately traduced, have been held up to the world as cruel and senseless bigots. There was no doubt much in the conduct of the King that cannot be justified, and in the hierarchy of the day that is deeply to be regretted, but rebellious subjects compel monarchs to be cruel in self-defence, and a priest may well be excused, if he thinks schism aggravated by deception and falsehood.

The object of this extraordinary manifesto is evident enough, but neither the persecution of the old, nor the possession of the new world, justifies them in sacrificing that, without which life in either hemisphere would find no security but in brute force. It has been said in extenuation of their conduct, that they had not formally seceded

from the Church, at the time they circulated this valedictory address. The answer is, congregationalism they knew had already been adopted at Salem before they left England, by their agent Endicott, and subsequently confirmed by their approbation. And, furthermore, that as soon as they could possibly devote a day to it, from their indispensable duties, they again established it at Boston and Cambridge, with the utmost unanimity among the people, and the consent of every man that signed that touching appeal to their "Dear Brethren."

Such were the people who laid the foundation of Republicanism in America. There is much in their conduct to admire and applaud, and much to reprove and condemn. The bright lights and dark shades of their character are in such contrast, that, to do them justice and preserve the impartiality of history, it will be difficult to avoid the charge of inconsistency, so different must the language occasionally be, that is extorted by truth on the one hand, or awarded by slander on the other. If, therefore, the meed of panygeric, to which they are often justly entitled, shall seem irreconcilable with the terms in which their duplicity, obstinacy, and cruelty are denounced, it must be recollected that their defects, no less than their virtues, contributed to form that indomitable character for dogged resolution, without which

they never would have been non-conformists in England, or republicans in America. To overlook these distinctions would betray a total ignorance of human nature; to attempt to palliate or conceal them, would lead to the suspicion that disingenuousness is infectious, and that it cannot even be contemplated without danger. They have alternately been the subject of extravagant eulogy, or unmitigated abuse, according to the medium of religious or political prejudice, through which they have been viewed. Nothing can be farther from the truth than either of these extreme opinions. Their character, like that of most men, was mixed, but unlike that of any other people, was distinguished for qualities so totally opposite, and yet so strongly developed and so powerfully contrasted, that it is difficult to imagine how they could be combined without neutralizing each other. Their conduct exhibits so much despotism, and so ardent a love of liberty, so great a degree of superstition, and so much practical good sense, such refined casuistry, and Jesuitical double dealing, united with extraordinary frankness and manly behaviour, so little regard for the form of jurisprudence, and so warm an attachment to constitutional law, so much impatience of restraint or interference from others, with such a strong predilection to intermeddle with or control their neighbours, that general terms are manifestly inapplicable to

them. Their acts must be separately considered, and severally praised or censured according to their deserts. In searching for the causes that led to the formation and development of this extraordinary character, we must regard their condition in their native country, and the circumstances that moulded their opinions, and called forth the peculiarities that I have alluded to.

At the period of their leaving England, the great majority of them, though conforming to the Established Church, were at heart dissentients, having undergone the probation of complying, but not agreeing; obeying but not respecting; combining but not uniting; assembling in Churches where everything that they saw or heard shocked them as unscriptural and superstitious, using the Prayer-Book but rejecting it as papistical, listening to clergymen whose authority they despised and whose doctrine they denied; and above all, to bishops whom they believed to be neither Papists nor Protestants, but amphibious beings clothed in all the frippery, and practising all the mummery of the first, without possessing their antiquity or authority, and yet claiming to belong to the other, without having the purity of their doctrine, the simple rigour of their discipline, or the independence of their self-government. Nothing can be more destructive of true piety, ingenuous conduct, and simplicity of mind, than insincere conformity,

when either adopted from prudential motives, or submitted to from compulsion. Pretending to be what we are not, and holding out ourselves to the government or to the world as Churchmen, when in reality we are Dissenters or Romanists, is, in fact, hypocrisy, and no man can long wear that garb, without a total change in his character. The essence of hypocrisy is falsehood. If a man inclines to the belief, that simulated compliance with unsound doctrines, or unscriptural churches, is defensible, he naturally seeks for plausible reasons to satisfy his own scruples, and if he succeed in deceiving himself, the inevitable tendency of his mind is to attempt to deceive others.

Dissent is progressive. When privately indulged for any length of time it grows too burdensome for a secret, and requires to be acknowledged, and when announced it assumes a new name and a new form, and ripens into secession. Its waters, however, are then drugged with bitterness and strife, and whoever drinks of them soon finds their baneful operation on his temper, on the affections of his heart, and in all his social relations of life, while he experiences a sympathetic change on his political creed, and becomes familiarized with violent and seditious measures. Demanding a charitable construction on his own motives and conduct, he is not willing to concede it to others;

and as people seldom forgive those whom they have injured, he views the members of the church he has left with all the acrimony of an enemy, and all the vindictive energy of an insulted and outraged friend. To the forced compliance or voluntary nonconformity of the Pilgrim Fathers, as well as the cold Calvinistic tenets of their faith, may be traced their austere manners and gloomy dispositions, their subtle reasoning and adroit evasions, their unrelenting persecutions, numerous banishments and barbarous executions, their unmitigated hatred of episcopacy, and deep-rooted aversion to monarchical institutions. On the other hand, their patience under toil, privation and suffering, their indomitable courage in resisting the numerous enemies, and overcoming the many difficulties with which they were surrounded, their energy, industry and enterprise, their love of independence, their hospitality, benevolence, and public and private liberality, the unity that prevailed among themselves, their brotherly affection for each other, and many other correlative qualities are attributable in part to the Anglo-Saxon stock from which they sprang, and in part to the requirements and incidents of a forest home in a new world. But their frugality, temperance, purity of morals, simplicity of manners, respect for the authorities of their little state, both civil and religious, and similar virtues, were all their own.

Such a careful analysis is due both to their character, and the faithfulness of this narrative. In order to make that intelligible, which is otherwise irreconcilable, it is necessary to seek for the springs of action that lie beneath the surface, for conduct can only be duly appreciated by its motives, and effects be fully estimated by tracing them to their real causes.

CHAPTER IV.

Reasoning of the first settlers as to their independence—The colony becomes a republic from necessity—Oaths of supremacy and allegiance dispensed with — They decline to set up the King's arms—Mutilate the flag—Drinking healths abolished—Blackstone's remarks about the Lord's Brethren—Order that none but Church members be admitted to be freemen—Another, forbidding a stranger to settle in the colony without a licence—Petitioning the King called slandering the brethren—Punishiment of Morton, Sir Christopher Gardner, and Ratcliffe—Morton publishes a satire at Amsterdam—Returns to Massachusetts—Is fined and banished again—Intimate connection between their Church and State—The King orders several vessels in the Thames to be put under embargo—A House of Representatives meets in Boston, and is admitted as a branch of the Legislature—The Governor is not re-elected, and is made to account for his expenditure of the public moneys—His manly conduct on the occasion—A code of laws ordered to be compiled—Also a uniform system of Church Discipline.

HAVING traced the origin of this republic, and its history to the removal of the proprietors and their

charter to New England, I shall now give a brief sketch of their resolute and systematic defence of their independence until the year 1686, when the patent was revoked. We have seen that they apprehended aggression from three sources, the Crown, the Hierarchy, and the Parliament. It will be instructive to show with what courage they resisted, or what ingenuity they evaded compliance with the authority or claims of all. Their conduct in this particular was not the result of accident, or of public distractions in England, or of their remote and isolated situation, though all contributed to favour their object, but it was a predetermined and well-concerted plan. They had paid a large sum of money to the Council of New Plymouth for their territory, they had fortified their title to the soil by purchases from the Indians, and they affected to believe that if the fortuitous circumstance of prior discovery had conveyed any right to the Crown, the King had formally surrendered it by the charter, in consideration of the conditions contained in it. They regarded it, therefore, as peculiarly their own country, and they were unwilling to allow any interference whatever from any quarter. The form of the grant of incorporation caused at first some embarrassment, by its total want of adaptation to the purposes to which it had been so unexpectedly applied. But as it was based on general election, and the Governor

and assistants were chosen by the freemen, all power centered in the people, and the moment the Government was organized, it naturally, and of necessity, became a republic. Whatever authority the General Court exercised, was delegated by qualified voters, and the officers they appointed received their commissions from those whom they empowered to issue them. The fundamental principle, therefore, of this little commonwealth was originally the same as that which now distinguishes and animates the individual states and great federal republic of the present day—namely, that the people are the source of all power.

At first, little could be done in matters of legislation, when the individual wants and general weakness of the whole community required the personal and continued exertion of all its members. The Governor, his deputy, and four assistants, were appointed justices of the peace, with the same powers exercised by persons holding similar situations in England. A court of civil and criminal jurisdiction was also created, consisting of the higher officers of the corporation. In the absence of all statute law, the Bible was substituted as a model and guide. In organizing the judiciary, a difficulty arose as to the nature of the oaths. The customary form of acknowledging the royal authority was evidently inapplicable, for the people, and not the King, was supreme, and

his name, therefore, was very quickly dispensed with. The oath of allegiance required some consideration, not whether it should be adopted, for that was not to be thought of, but whether it could be so qualified as to consist with their own independence, or be made contingent on residence and protection.* Sins of omission are so much safer than sins of commission, so much more difficult of detection, and so much more capable of explanation when discovered, that it was deemed prudent to omit it altogether, and to substitute one of fidelity to the local government instead. The King's arms were not only liable to the same objections, but had no warrant in Scripture; and a tender conscience supplied a better reason for declining to set them up, than the silence of the charter, or their own repugnance. The royal colours were no less exceptionable. To substitute new ones would be to hoist a flag of independence, which it was far more prudent quietly to maintain than openly proclaim, but there was no valid objection why they should not be altered in such a manner as to retain their form and general appearance, and yet destroy their identity.

Their ministers suggested a mode of mutilation that would effectually answer their purpose, and a reason for their conduct which rendered it an

* See an abstract of laws prepared for Massachusetts, by Mr. Cotton.

imperative duty. They told them the cross was a relic of Romish superstition, and as such must be removed, if they were desirous of securing a blessing on their undertakings. The uninitiated militia at first refused to muster under this "new-fangled flag," but when its unscriptural character was pointed out to them, they admitted the propriety of the alteration, and the cross was accordingly condemned as unlawful. Foreign gold and silver coins marked in a similar manner could not be so conveniently defaced, and were suffered to pass current without objection. They were unobtrusive, and, humanly speaking, merited toleration by their intrinsic value, but when weighed in the balance with political and religious principles, were found wanting, and treated as mere dross, unworthy of the consideration of a people who had forsaken Mammon, and crossed the Atlantic, to preserve and perpetuate the true faith.

Thus we see how carefully they abstained at the very outset, from all recognition of the power of the Crown, either directly or indirectly. Drinking to the health of each other at table, as it was followed by toasts, and long usage had sanctioned the priority of the King's name, with the usual benediction of "God bless him," it was thought advisable to abolish, as it would, as a matter of course, cause a discontinuance of the other practice, which might be a snare to those whose

intimate associates in England thought no harm in usurping his authority, and could see no sin in compassing his death.

They were now a sovereign people, but the exercise of such unlimited power was new to them, and this novelty, as yet wholly unrestrained by constitutional checks, increased their impatience of individual resistance, which is at all times the natural tendency of a democracy,* and made them both arbitrary and vindictive in their conduct. An English Dissenter of the name of Blackstone, whom they found living at Boston, and claiming it by virtue of his discovery and possession, was soon made to feel the difference between republican and royal compulsion; and on quitting the community, remarked, in the bitterness of disappointed feeling, "that he had left England because he did not like the Lord's Bishops, but that he should now leave them, for he could not stand the Lord's Brethren."

The first emigrants who had a community of feeling both on political and religious matters, were resolved that their country should not merely be independent, but that its government should be freed from the interference of any new-comers who entertained different opinions from themselves. Dissent they knew they could deal with, but they knew also, that members of the Church of Eng-

* Hubbard's New England, Chap. xxvi. Wonder Working Providence, 39.

land, if allowed to obtain a footing among them, would, as a matter of course, acknowledge the King to be their sovereign, keep him informed of their usurpations, and be protected in their worship. They therefore at this early date, 18th of May, 1631, enacted in "order that the body of the commons might be preserved of good and honest men," that no person should be admitted to the freedom of the company, but such as were members of some of the churches established by law. So effectually did this check the introduction of Episcopalians, that during the whole continuance of the Charter, not a single congregation was collected in all Massachusetts.

This bold attempt at exclusive sovereignty, is thus lamented by Leechford: "None may now be a freeman of that company unless he be a Church member among them. None have voice in elections of Governor, deputy, and assistants, none are to be magistrates, officers or jurymen, grand or petit, but freemen. The ministers give their votes in all elections of magistrates. Now the most of the persons at New England are not admitted of their Church, and therefore are not freemen, and when they come to be tried there, be it for life or limb, name or estate, or whatsoever, they must be tried and judged too by those of the Church, who are in a sort their adversaries. How equal that hath been or may be, some by ex-

perience do know, others may judge." Another law was passed in the year 1767, having in view the same object: "That none should be received to inhabit within the jurisdiction, but such as should be allowed by some of the magistrates," and it was fully understood, that differing from the churches established in the country, was as great a disqualification as any political opinions. In defence of this order, it is advanced that the apostolic rule of rejecting such as brought not the true doctrine with them, was as applicable to the commonwealth as the Church, and that even the profane were less to be dreaded than the able advocates of erroneous tenets.*

Complaints they could not prevent, nor could the right to petition the Crown be openly impugned but by creating a new offence, that of accusing the brethren; no one could petition without being guilty of this crime. They therefore forbore to press a man to trial for memorializing the King in council, but they charged him with slandering the brethren, and held him liable to fine, imprisonment, or corporal punishment, or all three, for this petit treason. The intercourse with Europe was then so limited, and the distance so appalling, that public attention in England was not attracted for some time to this glaring usurpation. Morton,

* See Minot Hist. Mass., vol. 1, p. 29.

who had the temerity to erect his May-pole again on land, not within the jurisdiction of Massachusetts, was seized by the Governor soon after his arrival, put into the stocks, and transported to his native country, where we are very gravely informed by Prince, "he was not even rebuked." He was imprudent enough to return after his property had thus been invaded, and himself imprisoned and exiled, but was soon made sensible of his rashness. The Governor affecting to espouse the cause of an Indian, who disputed his right to the possession of a canoe, arrested him, burned down his establishment, and confiscated his estate, to pay for the expense of conveying him to England.

In London he was joined by two other victims of their cruelty and oppression—Sir Christopher Gardner and Philip Ratcliffe, who united with him in petitioning the King for redress. The former had been sent out by Sir Ferdinando Georges, as his agent, for the protection of a large territory he had purchased, adjoining that of the colony of Massachusetts. Whatever his religion may have been, one thing was certain, he was not a Puritan. As a stranger wholly unconnected with the colony, it was not a question for their consideration whether he was a Romanist or a Churchman; but they assumed the fact that he was a Papist, and ordered him to be arrested. Knowing their cruelty, and

fearing the result, he preferred trusting to the hospitality and protection of the savages, and arming himself, fled into the wilderness. The Indians, not without some difficulty, were bribed to give up to his unrelenting pursuers their confiding guest, and seizing an opportunity, when deprived of his sword and his gun, by the upsetting of his canoe, they attacked him while in the water, and with long poles beat him so severely over his hands and arms that he was compelled to relinquish the hold of his dagger (which was his only weapon) and surrender himself a prisoner. He was first taken to the gaol in Plymouth, and then removed to that of Boston, from whence he was sent to England. In the meantime his papers were seized and examined, and such of them as were thought of service in developing the plans of his employer, Sir Ferdinando Georges, were retained.

The other complainant was Philip Ratcliffe. He had been a servant of Craddock, the first charter Governor, and falling ill in his employ, on his recovery demanded wages from the agent of his master for the time he had been disabled. Disappointed in his expectations, he made some disparaging remarks, about a people whose conduct so little comported with their professions. For this offence he was fined forty pounds, severely whipped, shorn of his ears, and banished forthwith out of the jurisdiction.

On the complaint of these people, an order in council was issued for an investigation, but the inquiry was deferred for the time, by the artful management of the principal associate, and by the secret assistance of some of the council, who were favourable to the cause of Dissenters. The committee of inquiry were informed that the company ought not to be punished for the conduct of some of its members; that if there were any causes of complaint, they could only be proved or explained by witnesses from the colony, but as they were at that time sending them some indispensable additional supplies (three Nonconformist ministers*) any suspension of the operations of the company would be attended with the most disastrous consequences.

Strange to say, this reasoning prevailed at the time to defeat the just claim of the petitioners for redress. The success of this deceptive conduct astonished everybody, and none more than the Governor and Assistants themselves; for they were not only honourably acquitted, but actually applauded. They were assured by the King's government they might go cheerfully on with their present undertaking, and, "if things were carried on *as was pretended when the charter was granted*, his Majesty would maintain the liberties and privi-

* John Cotton, Thomas Hooker, and Samuel Stone.

leges of the company." Morton appealed from the King in council to the public. He published at Amsterdam in 1637, a work entitled "New English Canaan," in which, with more elegance of composition than was usual in those days, he ridiculed the Separatists with a severity that bespeaks the extent of the injury he had sustained at their hands. He is also said to have furnished Butler with the anecdote he has so inimitably told in Hudibras,* of the people of Plymouth having

* Hudibras, Part II, Canto 2.

"That sinners may supply the place
Of suffering saints, is a plain case,
Justice gives sentence many times,
On one man for another's crimes;
Our brethren of New England use
Choice malefactors to excuse,
And hang the guiltless in their stead,
Of whom the Churches have less meed,
As lately 't happen'd: In a town
There lived a cobbler, and but one,
That out of doctrine could cut, use,
And mend men's lives as well as shoes.
This precious brother having slain,
In times of peace, an Indian,
The mighty Tottipottymoy
Sent to our Elders an envoy,
Who called upon the saints to render
Into his hands, or hang th' offender.
But they maturely having weighed
They had no more but him o' th' trade,

[Resolved

appeased the anger of the Indians for a murder of one of their people by hanging a bed-ridden innocent pauper in stead of the real criminal, who, besides being a saint, had an additional claim to their clemency from being the only expert cordwainer in the place.

This story, which has been generally considered to have had no other foundation than the imagination of the poet, there is unhappily some reason to fear was but too true. Hubbard himself, a Puritan minister, living near the scene, and old enough* to have traced its authenticity, has not ventured in his history of New England to give it an unqualified contradiction. The inhabitants of Plymouth, he says, tell the story much otherwise. But if they were driven by necessity to do justice to content the Indians at that time, it is possible it might be executed, not on him that most deserved, but on him that can best be spared, or who was not like to live long if he had been let alone.†

It is almost incredible that with this sad experience of their persecuting spirit, Morton should

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Resolv'd to spare him: yet, to do
The Indian, Hogam Mogam, too,
Impartial justice, in his stead did
Hang an old weaver that was bed-rid."

* He was born in 1621.

† Fifth Vol. Mass. Hist. Coll. Second series, p. 77.

have ventured among them again; but his perseverance was equal to their own, and they were amazed at beholding him there for the third time. He was instantly arrested, and a letter, written by him from London to a friend in the colony, intercepted by the Governor (in which he calls him "King Winthrop," and inveighs against his "Amsterdam and fanatical ordinances,") was produced against him. He was forthwith convicted of sedition, fined a hundred pounds, and banished again from the colony. To console him under his afflictions, he was told he had great reason to be thankful for the mercy of the court, as nothing but his great age had saved him from the whipping-post.* Ratcliffe became a lunatic from the cruel treatment he received, and Sir Christopher Gardner very prudently gave up the contest.

This severe conduct was applauded by the ministers, by whom toleration was preached against as a sin in rulers that would inevitably bring down the judgment of Heaven upon the land. "He that is mounted in the saddle," said one of their divines, "had need keep the reins straight, unless he intends to be thrown down and trodden under foot; they are the ministers, of God for the good of mankind, and should not bear the sword in vain."†

* Hutchinson's History, vol. i, p. 75.

† Notice was that year taken of an impudent affront one Captain Stone offered to Mr. Ludlow, one of the magis-

The power of the clergy was irresistible. At the first Court of Assistants, an Act was passed for building houses for them at the public expense, by which they became indissolubly connected with the State. By the operation of the two laws, I have already alluded to, namely, that no man could be qualified to vote, or be elected to office, who was not a Church member, and that no Church could be formed but by a licence from a magistrate, the civil and ecclesiastical affairs were more intimately combined than in England. The granting or withholding political rights being thus centered in the ministers, the levelling propensity of congregationalism was curbed and restrained by this new power, and all were compelled to submit, and pay court, to the very men it was their original intention to have divested of all authority. Bigotry, intolerance, and hypocrisy were infinitely increased and aggravated by this extraordinary alliance. The preachers were consulted on all affairs of State and legislation, were often present at the passing of laws, and lent their powerful aid to have them executed.

The attention of the King was again called to the colony of Massachusetts. He was informed that there was a great stream of emigration

trates, calling him just-ass, for justice: it cost the offender one hundred pounds and banishment.—*Hist. Col.* vol. v. Second series, p. 157.

flowing steadily thither, of persons known to be ill-affected to him, his church, and government. An order was accordingly issued by the Privy Council to stay several ships in the Thames, ready to sail to New England, with settlers and provisions, for the exhibition of passenger lists, and for the production of the Charter. This was the first time its removal was discovered or avowed, and the plausible Craddock promised to send for it immediately. He informed the Council that the royal right was well protected by the clause enforcing the oaths of allegiance and supremacy (although he knew they had not been administered to the emigrants), and entreated that they who had so recently and affectionately addressed the Church as their dear mother, and avowed before God and man their attachment to it at parting, should be believed in preference to their slanderers, and wound up with a glowing description of naval stores that the planters would soon be able to send to England. After some little delay they were permitted to proceed on their voyage, and emigration again revived.

In the meanwhile, the inhabitants having proceeded step by step to consolidate their power at Boston, in evasion or defiance of the Charter, now altered their constitution in a manner to suit the exigencies of the times, and their own wants, without asking permission or seeking authority from

the King. In consequence of some severe regulations made by the magistrates relative to trespasses, which were exceedingly unpopular in the rural districts, two delegates chosen by each town assembled at Boston and demanded a sight of the Charter, upon the examination of which they arrived at the conclusion, that the legislative authority rested not with the magistrates, but with the freemen. On this point they asked the opinion of the Governor, who told them, that when the patent was issued, it was supposed the freemen would be so free that all could conveniently assemble, but now they had become too numerous to meet for deliberation. At the same time, he said, he was of opinion, they did not yet contain sufficient materials to constitute a distinct branch of the Legislature, but proposed that a certain number of delegates should be chosen annually to prefer grievances, but not to make laws; though their consent perhaps might be required to all assessments of money and grants of land. They were not satisfied with any such restricted power, and accordingly at a General Court, held in the year 1634, twenty-four of the principal inhabitants of the colony, presented themselves as the representatives of the body of freemen, and demanded on behalf of their constituents the right to share in all legislative proceedings of that body, a claim which, though it had no foundation whatever in the Charter, was

supported by analogy to the constitution of the mother country, and was too congenial to their own democratic views to be refused. The Governor and Assistants, however, were not prepared for what followed. They were aware that a House of Commons would naturally diminish much of their own weight and influence, but they were astonished to find, when their admission was conceded, that their first step, before proceeding to business, was to define the power and jurisdiction of the General Court in its amended form; and in that definition, to appropriate to themselves a full share of executive as well as legislative authority. Hitherto, although the Government had been elective, the choice of officers had usually fallen upon the same persons. Mr. Winthrop had been appointed Governor every year since the foundation of the commonwealth, and most of the Assistants had also been re-elected. As Judges and Justices they were the dignitaries of the land. Their discretionary power, in the absence of a regular code of laws, was very great. Severe penalties were enacted for disobeying them, and still heavier punishments awarded for discourteous or contumelious behaviour towards them. Democracy, however, is no respecter of persons. Where all authority emanates from the mass, all must finally bow to that source of power. The natural order of society is soon reversed: officials first become courtiers to the

people, and then are degraded to a menial dependence on their masters. This universal law of politics was now made palpable to the founders of the republic.

One of the first acts of the representatives was to impose a fine on the Court of Assistants for having presumed, during the preceding year; in the exercise of their discretion, not to act in conformity to an order of the General Court. The Governor, a most able, zealous, liberal and laborious officer, who had discharged all the gubernatorial duties gratuitously for several years, was quietly passed over without any reason whatever that can be discovered, beyond the vile and contemptible propensity of democrats to humble and degrade to their own vulgar level all that are distinguished among them for character or talent. Not content with this unprovoked and unmerited insult, he was coarsely interrogated as to the receipts and disbursement of the public money during his administration, as if he had been a defaulter, and enriched himself with the spoils, instead of exhausting his means, and impoverishing his family, by private charities and public benefactions, as was well known to be the case. At the termination of this ungrateful and humiliating proceeding, he handed in the following dignified and temperate protest:

"In all these things which I offer, I refer myself

to the wisdom and justice of the court, with this protestation, that it repenteth me not of my cost or labour bestowed on this commonwealth, but do heartily bless the Lord our God that He hath pleased to honour me so far as to call for anything He hath bestowed upon me for the service of His Church and people here: the prosperity whereof, and His gracious acceptance, shall be an abundant recompense to me. I conclude with this one request (which in justice may not be denied me), that as it stands upon record, that upon the discharge of my office I was called to account, so this my declaration may be recorded also, lest hereafter, when I shall be forgotten, some blemish may lie upon my posterity, when there shall be nothing to clear it.

"JOHN WINTHROP."

September 4th, 1634.

It is a painful, but instructive page of history. The colony was founded by Mr. Winthrop, in a spirit of defection to his Sovereign and his Church. The first act of the legislature, a child of his own creation, was a rejection of himself as their Governor, the imposition of a fine and censure upon his Court of Assistants, and an accusation against both having as little foundation in truth as those he had himself so lightly adopted, and so little examined, against his King and his Primate.

The establishment of a representative body was a bold exercise of independence, but it completed and consolidated the power of the state, which being based altogether on the elective system, was purely republican. This innovation created an inquiry into the nature of the liberty and privileges of the people, which threatened to convulse the colony by the numerous abstract questions to which it gave rise. Among others was a dispute as to the veto of the Assistants, both as regarded its existence and its limits. A number of persons having memorialised the Court for leave to remove out of the jurisdiction, the Assistants refused their assent, assigning, among other reasons, one that in modern times would expose them to much sectarian abuse. "The removal of a *candlestick*," they said, "is a great judgment, which ought to be avoided." By far the greater part of the delegates were for granting the prayer of the petitioners, and numerically they formed a majority of the whole Court. The dispute on this contested point was very warm, and the session was adjourned. What they refused to grant to the assumptions of the magistrates, they yielded to the fervid eloquence of Mr. Cotton, who preached before them, when they reassembled; "for it pleased the Lord so to assist him, and to bless His own ordinances that the affairs of the Court went on cheerfully."

At this time was first introduced the custom, now so prevalent in America and the British provinces, of paying the members of the Legislature. It was ordered that the charge of dieting the assistants and delegates during the General Court be paid out of the public treasury. About the same period the vote by ballot for the delegates was established. The aid of the ministers, and some of the ablest men in the province, was now requested, to compile a uniform order of discipline for all the churches in the colony.

CHAPTER V.

A commission issues to the Archbishop of Canterbury, and eleven other persons, for governing the colonies, &c.—Abbot and Laud, their conduct contrasted—Severe trials of the Church—Its character and conduct—Colonists assume the right of making treaties—Free-Trade with the Narragansetts—Offer of hereditary rank made by Lord Saye and Sele—Reasons for declining it—Petition of the people debarred of civil rights for nonconformity—They are summoned to appear before the Governor and Assistants, and denounced by the Ministers—Heavily fined and bound over to keep the peace—Their private papers searched, and a memorial found addressed to the Earl of Warwick—Its contents—The people extend their jurisdiction to Weathersfield, situated beyond the limits of Massachusetts—Justification of encroachment—Gorton's settlement broken up, and his followers severely punished—The Grand Council of Plymouth surrenders its Charter on the ground of the colonists claiming independence—A *Quo Warranto* ordered to be issued for the revocation of the Charter—Sir Ferdinando Georges nominated Governor-General—The Ministers convened to advise—They recommend resistance—Dissenters from

the Churches of Massachusetts settle at Connecticut, Rhode Island, and other places—War with the Pequods —The army under a covenant of works—Extermination of the Indian tribe—Troubles in England—The colony is left unmolested.

In England great astonishment was expressed at this usurpation, which naturally drew attention also to the artful manner in which Episcopalians were excluded, if not from the country, at least from all participation in its government. A royal commission, therefore, was granted to the Archbishop of Canterbury, and eleven other persons, for the management of colonial affairs, conferring or revoking patents, appointing public officers, and other more extensive powers. The recital reasserts, in distinct terms, that the object of the King, in granting the Charter, "was not merely to enlarge the territories of our empire, but more especially to *propagate the Gospel* of our Lord Jesus Christ."

The contumacy and intractability of the Puritans at home increased the alarm that was felt at the extension of the sect in America. Every means had been tried and exhausted for reconciling or conciliating them, but in vain. Concessions led to further demands; kindness only served to infuse a belief of weakness; and, in the exasperated state of public feeling, nothing appeared to be left but compulsion. The indulgence of Abbot rather emboldened their opposition, as they affected to see

in his mildness or negligence a similarity of opinions with their own. Laud, warned by the failure of his predecessor, was more vigilant and more rigid, and endeavoured to compel these refractory Nonconformists to obedience, by a strict enforcement of the law, in the execution of which he showed himself as zealous, active, and almost as severe as the Puritans themselves. These people exhibited the most melancholy specimen of the arrogance, obstinacy, and inconsistency of the human mind to be found in any age or country. At the very time that they were depriving every person in Massachusetts of all civil rights, who was not in full communion with them, or imprisoning, fining, or banishing whoever dared to maintain doctrines at variance with their own, they denounced as a bigot and a demon the Archbishop, who, unfortunately, adopted the same error of compulsory conversion as themselves.

It was not without great alarm, therefore, they were informed that a *Quo Warranto* had been issued against them, and that the Governor was ordered by the Board forthwith to send back to England the Charter which had been so surreptitiously removed. They had now a man to deal with, who knew their principles too well to be duped by professions, whose duty it was to protect his own Church, and to see that no part of his Majesty's dominions was closed against her

members, and who had penetrated the designs of their co-religionists to subvert the monarchy. From his well-known integrity and piety they knew that they might look for justice; but they saw nothing in the contumely and insults they had heaped upon him to lead them to hope that he would make another fruitless attempt to try the effect of indulgence.

The conduct of these two prelates, Abbot and Laud, has been variously viewed, both by contemporary authors and historians of the present day, according to the uncertain standard of their own morals and politics. By some the moderation or connivance of the first has been extolled as an example of Christian virtue, worthy of all praise; while a rigid adherence to ecclesiastical discipline, and a strict observance of the law of the land, has earned for the other a character for cruelty and tyranny. But the agitated state of the times, the fury of party, the ferocity and disloyalty of schismatics, and the intrigues of an unscrupulous Court, if they do not afford a justification for the negligence of the one, or the rigour of the other, well warrant us in putting a charitable construction on the conduct of both. Where the shelter of non-interference merely aggravated the evil, it was natural to try the only other alternative, severity; and subsequent events have now clearly disclosed to us that the middle course, in which justice is

tempered with mercy, so difficult at all times to be found, and especially in civil commotions, would have been equally unavailing. It is probable, however, that if Abbot had been more firm, Laud would have been less severe; and it is certain that a proper discharge of his duty, without perilling his own life, would have saved that of his martyred successor.

No religious establishment has had so much to contend against as the Anglican Church. For centuries before the Reformation, she had to endure the assaults of Rome; and ever since, the furious attacks of fanatics; while lately she has had to withstand them both, under the serious disadvantage of being crippled by the State in the freedom of her actions. Formerly, the Government, to suit their own political views, found it necessary to fill the bench of Bishops with persons holding high prerogative opinions. In more recent times the selection for a similar purpose has been too often made from latitudinarians, while during the whole period of time, she has had within her own pale a numerous party who receive her pay, and eat her bread, but refuse to do her bidding, or teach her doctrines. Deprived of her convocation, she has been powerless to preserve uniformity, defend herself or enforce her discipline, and, above all, to exert her whole voice in demanding her ancient right of electing her own prelates. Hence the

soundness of one diocese contrasts strangely with the licence and disorder of another, and the anomalous appeals in matters of belief to a lay court, evince less unity than Rome, and less independence than dissent.

During all these afflictions, her conduct has been worthy of herself. Her firmness in resisting encroachments, and patience under persecutions, moderation in prosperity,, devotion to the cause of truth and learning, her zeal and munificence in propagating the Gospel to the furthermost parts of the earth, are well attested by the fruit she has borne. Her sterling worth is stamped on her children, and an Englishman may well be proud of the parent that instructed his tender years, and implanted in his mind all those virtues that invigorate, and those graces that adorn his character.

While the Puritan preachers of Massachusetts were occupied in compiling a body of laws, and a code of divinity, the Parliament of the colony entered at once upon the exercise of unrestricted sovereign power, and authorized or sanctioned the assumption by the executive of the right to make war, or declare treaties of peace, with the surrounding Indian nations. The Narragansetts, a powerful and numerous tribe, were among the first to enter into offensive and defensive alliance with them. Some of the stipulations of this compact have since

been adopted by the diplomatists* of modern times, and the surrender of fugitives from justice, and unrestrained free-trade, though apparently equally beneficial to both from their reciprocal character, concealed, under specious terms, the selfishness that dictated them; for the grave offered to the savage an asylum infinitely preferable to the abodes of the white man, and free-trade was only beneficial to those who desired the advantage of tempting the cupidity, or over-reaching the simplicity of their customers, by giving them in exchange for their furs, superfluities, of the value or use of which they were equally ignorant. A few years

* The following is the treaty alluded to:

1. A firm and perpetual peace betwixt them and the English.

2. Neither party to make peace with the Pequods without the consent of the other.

3. That Narragansetts should not harbour any Pequods.

4. That they should put to death, or deliver up any murderers of the English.

5. That they should return fugitive servants.

6. The English to give them notice when to go out against the Pequods, and the Narragansetts to furnish guides.

7. Free-Trade to be carried on between the parties.

8. None of the Narragansetts to come near the English plantations during the war with the Pequods, without some Englishman or Indian known to the English.—*Hutch.* vol. 1, p. 591.

afterwards an army was raised to proceed against these same allies, who had subsequently become refractory and turbulent; but so imposing a force awed them into submission, and a renewal of commercial intercourse.

In this democratic body the companies usually chose their own officers, and the executive contented itself with appointing a commander-in-chief to direct its operations. The commonwealth then, as at the present day, was substituted for the royal authority; and the revolution of 1783, instead of destroying old institutions, was conservative in its character, and merely restored the ancient order of things. The spirit of independence and equality was as deeply rooted then as now in Massachusetts, and an offer of hereditary rank, when tendered to the principal inhabitants by Lord Saye and Sele, if they would join him in colonizing the Bahamas, was peremptorily and decidedly refused. Hereditary authority, they said, had no warrant in Scripture, and any civil power whatever, not based on church membership, was equally repugnant to the will of God. They assured his Lordship that it was their conscientious conviction, that it was "a divine ordinance (and moral) that none should be appointed and chosen by the people of God, magistrates over them, but men fearing God,* chosen out of their

* Exodus xviii, 21.

brethren,* Saints.† That the Apostle maketh it a shame to the Church, if it be not able to afford wise men from out of themselves, which shall be able to judge all civil matters between their brethren.‡ And Solomon maketh it the joy of a commonwealth when the righteous are in authority, and the calamity thereof when the wicked bear rule.§

It was not to be supposed, however, that this exclusive claim of the Church, to confine all affairs of trust and emolument to its own members, would be submitted to without a struggle, by those who were debarred of the right of becoming freemen under the terms of the Charter. The object of it was well known to have been to discourage Episcopalians from settling in the State, and to preserve the ascendancy of the Puritans; but as it did not answer the purpose as fully or as promptly as was expected, another Act was passed of a more stringent nature. A penalty was laid upon all persons who should entertain in their houses a stranger who came with an intent to reside in the colony, or should allow him the use of any habitation, or lot of land, for a longer period than three weeks, without permission from the magistrates. The fine on individuals was twenty pounds, and a like sum for every month

* Deut. xvii, 15.
† I. Cor. vi, 1.
‡ I. Cor. vi, 5.
§ Prov. xxix, 2.

that the offence was persisted in. One hundred pounds was also imposed upon any town, for either giving or selling land to any such unlicensed person.

Under the pretence of guarding their chartered rights, and preserving the purity of their religion and morals, they thus managed to introduce laws that effectually converted those who professed any other creed than their own into aliens, and rendered them liable to all the disabilities and all the inconvenience of being subjects of a foreign realm. Obstinacy is not confined to any class or sect, but is a peculiarity of our national character; and if the Puritans had the courage to claim the country as their own, and disregard or deny the supremacy of the parent State, there were not wanting those who questioned their right, and were determined at all hazards to demand an equal share of the privileges and advantages conferred upon all by the patent. Among these were several persons of character and property, who, as a preliminary step, petitioned the General Court, or local assembly. In their memorial, which was couched in firm but respectful language, they complained: 1st. That the fundamental laws of England were not owned by the colony, as the basis of their government, according to the Charter. 2nd. The denial of those civil privileges which the freemen of the jurisdiction enjoyed, to such as were not

members of churches, and did not take an oath of fidelity, devised by the local authority, although they were free-born Englishmen of sober lives, conversation, &c. 3rd. That they were debarred from Christian privileges, viz., the Lord's Supper for themselves, and baptism for their children, unless they were members of some of the particular churches in the country, though otherwise sober, righteous, and godly, and eminent for knowledge, not scandalous in life and conversation, and members of churches in England.

They prayed that civil liberty and freedom might forthwith be granted the inhabitants, and that all members of the Church of England or Scotland, not scandalous, might be admitted to the privileges of the churches of New England, or, if these civil and religious liberties were refused, that they might be freed from the heavy taxes imposed upon them, and from the impresses made of them, their children, or servants in the wars.

They further stated that if they failed of redress, they should be under the necessity of making application to Parliament, who they hoped would take their sad condition into consideration, provide able ministers for them, New England having none such to spare, or else transport them to some other place, their estates being wasted, where they may live like Christians.

Such a bold and decisive measure at once

awakened the fears of the Governor, and aroused the anger of the clergy. The former summoned them to appear and answer for this contumacious conduct, at the bar of the court; the latter, with their usual zeal and intolerance, invoked the judgment of God upon the malignants, who dared to impugn the saints, and threatened to slander the elect by appealing to an English tribunal, the members of which were under a covenant of works. The inveteracy of both justified the proceedings of the petitioners, and confirmed them in the course they had resolved to pursue. The thunders of the pulpit and the threats of the executive, though not equally formidable, were both sufficient to terrify men of ordinary nerves. The denunciations of the ministers were equivalent to excommunication among a people who believed that salvation was not to be obtained beyond the pale of Puritanism; and the frowns of a court that held irresponsible power over life and property, and believed it was doing God service in freely exercising it, were not to be encountered without terror. Instead of receiving redress, they were required to answer for their own conduct. They humbly submitted that they had preferred no charges, but had merely solicited a change, and requested a reform. The right to petition was freely conceded by their rulers, with a mildness and meekness that did honour to their Christian humility, but they were

informed with great sternness that they had exceeded the bounds of that invaluable privilege, and endangered the liberty of the people by a licentious use of a constitutional right, and were accordingly heavily fined in proportion to their ability. They then claimed an appeal to the Commissioners for Plantations, but they were told that was an aggravation of their offence, inasmuch as it had a tendency to lower the character of the court among the people, and were therefore ordered to find securities for their future good behaviour.

To submit to authority is the duty of all good subjects, but to obey without a murmur, when it is abused, is more than can be expected from the infirmity of human nature. In the irritation of the moment, some of the petitioners announced their intention of proceeding to England, to lay their complaint before the Imperial Government. This fresh offence called for further coercive measures, and a search-warrant was issued to seize and examine their private papers. A memorial was found addressed to the Earl of Warwick and the other members of the board, signed by twenty-three non-freemen, for themselves and many thousand more,* in which they stated, that from the pulpit they had been reproached, and

* It is probable that the words "many thousand more," are about as accurate as numbers, when spoken of in petitions, usually are.

branded with the names of destroyers of churches and commonwealths, called Hamans, Judases, sons of Korah, &c., and the Lord entreated to confound them, and the people and magistrates stirred up against them, by those who were too forward to step out of their callings—in consequence of which some of them had even been committed for refusing to give bonds for two hundred pounds, to abide by the sentence of the court; when all their crime was to petition, and they had publicly been treated as malefactors, &c. They then proceed to pray:

1. For settled churches in Massachusetts according to the Reformation of England.

2. That the laws of England may be established.

3. That all English freeholders may enjoy such privileges as in England, and the other plantations.

4. That a general Governor, or some Commissioners may be appointed, &c.

5. That the oath of allegiance may be taken by all, and other covenants which the Parliament shall think most convenient.

To this petition were appended certain queries:

Whether the patent of Massachusetts was confirmed by Parliament, and whether it was not necessary it should be?

Whether the court may forfeit their Charter, &c.?

Whether, if treason be uttered in the pulpit, or

in the court and not questioned, the court do not consent, &c.?

Whether it be not high treason, as well in New England as in Ireland, to endeavour to subvert the fundamental laws of England, to take away the liberties of the English nation, to say that Massachusetts is a free state, &c. ?

Whether the oath of allegiance and the covenant be not binding there ?

Whether all English inhabitants having lands, are not freemen ?

Whether the court hath power to confine to prison, banish, impose censures, impress persons and goods for an offensive war, &c. ?

Whether the ministers may publicly vilify the English nation, laws, &c.; and not be questioned ?

Whether the petitioners ought to be hindered settling in a church way, according to the churches in England, &c.?

Good behaviour is a term of extensive signification, and at that period petitioning Parliament, whose jurisdiction was not admitted, was evidently a violation of the duty of an obedient subject. The fine which had already been exacted from them, and the dread of forfeiting the bonds into which they had entered, deterred them from further prosecuting their appeal until a more favourable opportunity. Resistance to constituted

authority, when effectually defeated, necessarily strengthens the Government it was designed to overthrow; and one successful exercise of arbitrary power naturally leads to another. Having repeatedly stifled remonstrance within, the Puritans could not endure open defiance without their borders. Several of the inhabitants having removed to Weathersfield, a place beyond the limits of Massachusetts, it was deemed prudent to assume jurisdiction, in order to avoid the contamination of bad neighbours. At first some scruples were entertained as to the legality of thus appropriating territory to themselves, to which they admitted they had no right, but a little reflection soon enabled them to overcome this difficulty. It was thought advisable, if any objection should hereafter be made by England to this presumptuous assumption of power, to apply to her her own reasoning on the subject of fealty, by which they would have the advantage of both sides of the argument. When they left the mother country, they maintained that allegiance was local and not general, obedience and protection being reciprocal; while, on the other hand, the Crown lawyers held that a man never could divest himself of this obligation, which accompanied him to the most remote parts of the earth. Now protesting in their own case against this doctrine of the English jurists, still it was fair, they said, to apply it to those who believed it, for no one can be injured by submitting to a law

which he attempts to force on others, and which he asserts to be obligatory on all. Assuming, therefore, that the emigrants who had been inhabitants of the colony, and had taken the oath of fidelity to the commonwealth, were still bound by it, though not residing within its limits, it was but right and proper, that the State should on its part extend to them its protection and support. They accordingly very quietly and complacently, assumed jurisdiction over the country, and issued the necessary commissions for its government and internal management.

The Puritans, who were subtle casuists, having authorised a forcible entry into land that did not belong to them, and thus enlarged their limits, soon found arguments for a similar extension, by seizing upon the possession of others on the ground that they were intruders on the heritage of the Lord. A number of persons, among whom was an obnoxious schismatic called Gorton, holding different religious opinions from themselves, and disliking the tyrannical form of government at Massachusetts, purchased lands from the Indians, beyond the boundaries of the colony, and commenced a settlement, where they hoped to enjoy unrestricted liberty of conscience. Possessing and enjoying, though usually coupled together, are by no means synonymous terms. Fanaticism is seldom enjoyed, but amidst opposition or in the face of danger. When unnoticed, it becomes

torpid, and expires for want of sufficient excitement to preserve vitality. It is generally a compound of ignorance and vanity; one fades from view in the light of knowledge, and neglect is a sure and certain specific for the other.

The Government were not willing to await the natural death of this ephemeral heresy. It was deemed necessary to crush it in its infancy. The limits of the State to which they had adhered with such pertinacity when threatened with encroachment, proved no protection to those who lived beyond them. A party was sent against the emigrants, who carried them all prisoners to Boston, drove off their cattle, which they sold to pay the expense of the expedition, and effectually destroyed the settlement. When brought before the court, it was in vain the captives pleaded to its jurisdiction, and maintained that not being inhabitants of Massachusetts, they were not amenable to its authority. The justices informed them that they had violated the Divine law, though they did not condescend to produce the commission that authorised them to punish its infraction; they contented themselves with ordering them to plead instanter to the following extraordinary accusation: "Upon much examination, and serious consideration of your writings, we do charge you to be a blasphemous enemy of the true religion of our Lord Jesus Christ, and His holy ordinances, also

of civil authority among the people of God, and particularly in this jurisdiction."

They were all found guilty, and sentenced to be dispersed in the several towns, and to be well ironed and set to work. It was further ordered, if any of them attempted to escape, or repeated, either verbally or in writing, their heretical doctrines, or reproached the Church or the Civil Government, upon proof thereof they were to suffer death. Now that intercourse between the mother country and the colony had become so frequent (two hundred and ninety-eight ships having arrived since the first settlement), these violent proceedings could not long remain concealed. Vigorous measures were immediately adopted for reducing the people to subjection, and preventing disorderly emigration. Orders were issued to the Wardens of the Cinque-Ports, not to allow any subsidy men to embark for the plantations without licence, nor any persons under that degree, without proper evidence that they had taken the oaths of supremacy and allegiance.

The Grand Council of Plymouth, from whom Massachusetts had derived its title, was called upon to explain its conduct relative to the transfer of territory it had made to the colony of Massachusetts. This association, consisting of the first nobility and gentry in England, immediately resigned its Charter, declaring, "that the Puritan

patentees having surreptitiously obtained from the Crown a confirmation of their grant of the soil, had not only excluded them from the public government of the corporation, but had made themselves a free people, and for such held themselves at present, framing new conceits of religion, and a new form of ecclesiastical and temporal government, punishing divers that would not approve thereof, some by whipping, and others by burning their houses, and some by banishment, under other pretences indeed, yet for no other cause, save only to make themselves absolute masters of the country, and uncontrollable in their new laws."* Such were the reasons which

* Such a serious charge has great names to sustain it:

Lord Georges, *President.*
Captain Mason, *Vice President.*
Marquis of Hamilton.
Earl of Arundel and Surrey.
Earl of Southampton.
Earl of Lindsey.
Earl of Carlisle.
Earl of Stirling.
Lord Maltravers.
Lord Alexander.
Sir Ferdinand Georges.
Sir Kenelm Digby.
Sir Robert Mansel.
Sir Henry Spelman.
Sir James Baggs.
Mr. Montague.

reduced the Council of Plymouth to the necessity of requesting "their Sovereign" to take the whole business into his own hands. An order also was issued to the Attorney-General to bring a *Quo Warranto* against the corporation of Massachusetts. An enlarged plan for a general government of New England was devised, and as a preliminary step, Sir Ferdinando Georges was nominated to the supreme command.

As soon as the colonists were apprised of this measure, they prepared to counteract it. The ministers, whom no test could bind, and who were ever foremost in opposing the King's authority, were convened by the magistrates, and appealed to for advice, under the endearing appellation of the Fathers of the Country. They accordingly assembled at Boston from all the various townships, and the question was formally submitted to them: "What is to be done if a Governor-General be sent over?" They unanimously advised that the colony ought not to accept him, but to defend its lawful possession, if able; otherwise to avoid or protract. To have ensured obedience, would have required an army, and the King now needed all the forces he could muster to defend himself. The plan therefore failed for want of means.

During all this time, Massachusetts was herself convulsed with religious differences, which, like

those in England, led to the planting of new colonies. Connecticut, Providence, Newhaven, and other settlements, were founded by those who complained of persecution for conscience sake. It is not my intention to give any account of these controversies, nor of the principal actors in them, as they do not legitimately fall within the scope of this work; but their migrations are remarkable as emanations from the parent colony, the people of which, though differing in matters of faith from the refugees, agreed with them in political opinions. Following the example of Massachusetts, they all formed constituencies for themselves, based on mutual compact, and the broad foundation of popular rights. Each established a little separate republic. Thus their dissensions, no less than their concert, tended to spread their democratic principles, which were so soon to be adopted by the whole population of the Continent. Extending their settlements, however, temporally exposed them to new danger, by bringing them in contact with distant and hostile tribes of Indians, which compelled them to unite in a general confederation, and attack their enemies in their own country. Contests with the savages, like their intestine disputes on points of doctrine, I must also pass over, for the same reason. But it is important to note, that in the Pequod campaign, they exercised one of the highest

acts of sovereign power, that of making war, as they had previously done by entering into a treaty of alliance and commerce with another people.

The expedition commenced with senseless bigotry, and terminated with unrelenting cruelty. When the troops were mustered, a most alarming discovery was made, that a great many, both of the officers and men, were under a covenant of works, and it was necessary to delay operations until the army could be purified from the pollution arising from such unsanctified and desperately wicked heretics. The promise which was given them of old in Scripture, and especially referred to by the Puritans of New England, "Ask of me, and I will give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession," could not, they said, be deemed to include men so lost in error as these Antimonians and Familists. After much fasting and prayer, and some expulsions and admonitions, the preachers pronounced them in a fit state to proceed, and foretold the result with that confidence with which victory may always be predicted, when the bow and the arrow alone are opposed to firearms. They were accompanied by a minister who was desirous of preserving that purity of doctrine he had so much difficulty of infusing into them, and of "rejoicing his heart," as he said, "by

seeing those that dwell in the wilderness bow before him, and his enemies lick the dust."

It is a great relief to be spared the task of recording the details of this dreadful massacre of a whole tribe, that mustered a thousand warriors, equal to the best and bravest of the whole American continent. Bancroft, who seems proud of the prowess of the Puritans, thus sums up this "glorious exploit." After describing in glowing colours the defeat of the main body, he says: "The rest were pursued into their hiding-places.* Every wigwam was burned, every settlement was broken up, every corn-field laid waste; there remained not a sarrup, nor squaw, nor child, nor warrior of the Pequod name. A nation had disappeared from the family of men."

The alarm of the colonists, arising from the

* In "Thatcher's History of the Town of New Plymouth," p. 65, is an account of a barbarous deed, committed by Captain Standish, under the sanction of the Governor. He and four others fell on an equal number of Indians, whom he had decoyed into a house, and slew them all. Cutting off the head of the chief, and carrying it back in triumph, he set it up on a pole in the town as a terror to this people, whom they were pleased to call savages. When their worthy pastor, whom they had left at Leyden, heard of it, he wrote to the Church, "that he doubted whether there was not wanting that tenderness of the life of man, made after God's image, that was meet," adding, "it would have been happy if they had converted some before they had killed any."

interference of the King and his Governor-General, and their fears relative to their Charter, soon gave place to hopes that Royalty and Episcopacy would ere long cease to exist in England. The unfortunate monarch had now to struggle for his life and his throne, and Massachusetts was suffered to enjoy her independence undisturbed, and lay the foundation of those institutions which in time to come were to support and maintain the great American republic. The cost of New England colonization so far has been estimated at two hundred and fifty thousand pounds, a great sum for those times, but probably short of the truth. Already there existed, east of the Hudson, twelve independent democratic communities comprising not less than fifty towns, or distinct settlements; but a consolidation took place soon after, by which the inconvenience resulting from so many separate jurisdictions was remedied by reducing them to six.

CHAPTER VI.

The colony exercises sovereignty in external affairs—Confederates with Connecticut, Newhaven, and Plymouth — Terms of Confederation — Effects of it in America—Commissioners of the united colonies receive a diplomatic agent from Acadie, and the Governor-General of Canada sends an envoy to the Swedish Governor on the Delaware, and negociates with the Dutch on the Hudson—Massachusetts coins money—State of the colony—Parliament exempts New England from taxes—The people resolve not to ask favours of Parliament—Decline to send delegates to the Assembly of Ministers at Westminster—Sir Harry Vane advocates their cause—Parliament exempts them from certain duties—Prerogative claims—Sole control of colonies—Sketch of its origin—Idea of navigation laws, suggested by James I.—General Court calls in the aid of the elders, and deliberates on the subject of parliamentary control, and refuses to submit—They remonstrate with the House of Commons, and obtain a favourable answer.

We have now arrived at a period in the history of this little commonwealth in which we may clearly

trace the origin of the federal union of the several states of the great republic. We have shown that the people maintained that their institutions were established by the free consent, and for the benefit of all; that the country was their own, and that no man had a right to enter it without their permission; that they had full and ample power of governing, by men chosen from among themselves, according to such laws as they should see fit to enact, provided that they were not repugnant to those of England; that they held the keys of the territory; were entitled to prescribe terms of naturalization to all noviciates; and further that they were only subject to the King according to the Charter, and not otherwise. . In short, they insisted that to all intents and purposes they were independent, except as restrained by the terms of their compact. This claim was illustrated by their acts; hitherto they had sustained it by the manner in which they managed their internal affairs. In one or two instances, as we have seen, they showed a disposition to exert external sovereignty also. This intention was now boldly avowed and openly acted upon; Massachusetts this year (19th May, 1643) entered into "a firm and perpetual league," offensive and defensive, with the provinces of Plymouth, Connecticut, and Newhaven, under the designation of the United Colonies of New England. All these were rigidly Puritanical.

Rhode Island was rejected under the plausible pretext of being within the jurisdiction of Plymouth, but in reality because she indulged the inhabitants with more toleration in religious opinions than Massachusetts approved.

The substance of the agreement is as follows:*

"Each colony to retain a distinct and separate jurisdiction; no two to join in one jurisdiction without the consent of the whole; and no other to be received into the confederacy without the like consent.

"Upon notice from three magistrates of any colony of an invasion, the rest shall immediately send aid—Massachusetts one hundred, and each of the rest forty-five men; and if a greater number be necessary, the Commissioners to meet and determine upon it. Two delegates from each Government, being Church members, to meet annually the first Monday in September, the first meeting to be held at Boston, then at Hartford, Newhaven and Plymouth, and so yearly, in that order, saving that two sittings successively be held at Boston. All matters wherein six shall agree to be binding upon the whole; but if the majority be under that number, the matter in question to be referred to the General Court, and not to be obligatory unless the whole agree to it.

* See Hutchinson, vol. 1, p. 124.

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"A President for preserving order to be chosen by the Commissioners annually out of their number.

"The Commissioners shall have power to establish laws or rules of a civil nature, and of general concern for the conduct of the inhabitants, viz., relative to their behaviour towards the Indians, to fugitives from one colony to another, and the like.

"No colony to engage in war, except upon a sudden exigency, and in that case to be avoided as much as possible, without the consent of the whole.

"If a meeting be summoned upon any extraordinary occasion, and the whole number of Commissioners do not assemble, any four who shall meet may determine upon a war, when the case will not admit of a delay, and send for the proportion of men agreed upon out of each jurisdiction, but not less than six shall determine the justice of the war, or have power to settle bills of exchange, or make levies for the same.

"If a colony break an article of the agreement, or any way injure another, the matter shall be considered and determined by the Commissioners of the other provinces."

The unity of action obtained by this treaty, the respect the Court of Commissioners maintained and enforced, not only within their own juris-

diction, but with their French, Dutch, and Indian neighbours, and the weight and influence they enjoyed among all the inhabitants of this continent, first suggested the Congress, and then the Federal Government of the present day.

It was a bold step to take without the assent of a higher authority, but the intestine troubles of England left her but little time to inquire into matters that sank into insignificance, when compared with the momentous struggles in which she was engaged, and it was suffered to pass either without notice or without rebuke.

This union subsisted until 1686, and presented a great obstacle in the way of adjusting every dispute between the mother country and the colonies, as the Commissioners ever counselled a firm opposition to what they called prerogative encroachment. When disobedience was unsafe, they recommended delay; and when remonstrance was unavailing, they advised resistance. But they never ceased to deny the rights, and impugn the motives of the parent State, ungraciously regarding concessions as marks of weakness, and perversely constructing every refusal into an act of despotism. It mainly contributed to foster the feelings that subsequently ripened into rebellion. It illustrated the vast power of numbers and unity, the advantage that disaffection derives from centralization, and the easy and simple

manner in which a federal combination of a few plantations may be made to adapt itself to any given number of states.

A similar institution is recommended for the remaining British provinces. It is easy to foresee that a repetition of the experiment will produce a like result. The very extensive powers thus assumed by the confederation, placed the united colonies in the situation of a sovereign and independent nation. One of its first acts was to receive a diplomatic agent from the French Governor of Acadie, a district of New France that comprised the territory now subdivided into Nova Scotia and New Brunswick, with whom they entered into a treaty of peace and commerce, which was executed and ratified with the usual formalities. A *chargé d'affaires* was also received and accredited by the republic from the Governor-General of Canada on behalf of the King of France, and negociations were entered into for reciprocal freedom of trade, and for an offensive and defensive alliance between the two high contracting parties, which alone failed of success from a dread on the part of Massachusetts of drawing down upon her the resentment of the Indian tribes. They also sent an envoy to the Swedish Commandant on the Delaware, and opened a correspondence with the Dutch settlement on the Hudson.

Nothing now remained but to exercise the prerogative of an independent mint to complete the usual attributes of sovereignty, and this was ventured upon without hesitation in 1652, when three sorts of silver coins, severally of the value of a shilling, sixpence, and threepence, were ordered to be struck off in large quantities. This money bore on the face of it no reference whatever to the mother country, and no recognition of the ruling power there. It was essentially American. By order of the Court, each piece was encircled by a double ring, having the inscription, Massachusetts, with a native tree (pine), emblematical of the country on one side, and the words "New England" and the year of our Lord on the other.* A

* The excuse for this coinage was even more modest than the act itself. Sir Thomas Temple, who had resided several years in New England, and was himself a Puritan, gave the King a most extraordinary version of it. After the Restoration, when he returned to England, the King sent for him, and discoursed with him on the state of Massachusetts, and discovered great warmth against that colony. Among other things, he said they had invaded his prerogative by coining money. Sir Thomas, who was a real friend to the colony, told his Majesty that the colonists had but little acquaintance with law, and that they thought it no crime to make money for their own use. In the course of the conversation, Sir Thomas took some of the money out of his pocket, and presented it to the King. On one side of the coin was a pine-tree, of that kind which is thick and bushy at the top. Charles

large sum was thus struck off and put into circulation, and the right was exercised for a period of thirty years, although the coins, for an obvious reason, bore the same date.

The change that had now taken place in the affairs of the King damped the ardour of emigration, in proportion as the prospect increased, that the whole nation would shortly be subjected to the rule of the saints. But enough had been done to lay the foundation of a powerful republic.

After the first indispensable wants of the people had been attended to, industry was directed to commerce and navigation, and a very profitable exchange took place, between the traders of Massachusetts and the planters of the West Indies, of the productions of their respective countries. In little more than ten years, fifty towns and villages, and between thirty and forty churches had been built, and some attempts had been made in manufacturing cotton. If they had reason to be gratified at the contemplation of their affairs at home, they saw with undisguised delight the triumph of their party in England. The Parlia-

asked what tree that was? Sir Thomas informed him it was the royal oak, which preserved his Majesty's life. This account of the matter brought the King into good humour, and disposed him to hear what Sir Thomas had to say in their favour, calling them a "parcel of honest dogs."—*Hist. Col.* vol. VII, p. 229.

ment contained many friends who were most anxious to further their views in any way in their power. Nor was it long before they received a substantial mark of its favour. In 1642 it passed an ordinance for their encouragement, by freeing them from "taxation either inwards or outwards, in this kingdom or America, till the House take further order thereon to the contrary."

During the same session it established a council for the colonies, similar to that of 1635, which entered immediately on its duties, and uniting Providence and Rhode Island into one government, gave it a patent of incorporation containing the usual clause, that its enactments should not be repugnant to the laws of England. These favours they were willing to receive whenever they could be granted unasked, or at all events not openly solicited, so much appearance of reserve did they think it necessary to maintain, in order that the dependence on the Imperial Legislature, or its right to control them, could not be inferred from their acts. "Upon the great liberty," says Winthrop,* "which the King had left the Parliament, some of our friends there wrote to us advice to solicit for us in Parliament, giving us hopes that we might obtain much. But consulting about it, we declined the motion for this

* Winthrop, vol. II, p. 25.

consideration, that if we should put ourselves under their protection, we must then be subject to all such laws as they should make, or at least, such as they might impose upon us." So anxious were they to keep themselves totally distinct from the jurisdiction of any exterior tribunal whatever, that when the assembly of preachers at Westminster sent for three of their ministers to join them in their deliberations, they declined the invitation on the ground that "if the churches of New England appeared there by their representatives, great exception might be taken to the building after a model of their own making." Among their friends in the House of Commons, was Sir Harry Vane, who some years previously had visited Massachusetts, and from his sanctified manner, high professions, and demure appearance, was elected Governor, but his intriguing disposition, and fondness for theological controversy, soon involved him and the whole community in violent altercation. Hutchinson calls him an inexperienced but obstinate and self-sufficient man, and the people became so dissatisfied with his conduct, that they not only refused to re-elect him the following year, but would not even choose him as an Assistant, and passed a law that no man should be eligible in future for the office of chief magistrate, until he had resided at least twelve months in the country.

Notwithstanding the disgust he felt at his defeat, as he was not very cordial with those with whom he was now acting (for his temper was so intractable as to render his support and his opposition equally precarious and dangerous) he procured for the colonists, at the intercession of some of his old adherents in Boston, what protection he could. It was probably owing to his influence that the Commons again in 1645 and 1646 extended to them relief from imposts for three years, provided their productions were transported in English ships, and in the following year exempted all goods that should be exported to the plantation from custom duties.

The weakness of the Sovereign, and the importance of the interests at stake, now invited the interference of Parliament in the affairs of the colonies. Originally the King had claimed the exclusive right to legislate for them. One of the earliest acts in reference to America was passed in the reign of Edward VI. relating to Newfoundland, but this was not suffered to operate as a precedent. Queen Elizabeth, ever watchful of her prerogative, claimed the exclusive right to all countries discovered by her subjects. The first Charter conferred upon an English colony was granted to Sir Humphrey Gilbert, and its ample powers disclose the ideas of the age, with respect to the nature of such settlements. She vested in

him in perpetuity the full right of property in the soil of those countries of which he should take possession, to be held of the Crown of England by homage, or payment of one-fifth of the gold and silver ore found there. "She conferred upon him the complete jurisdictions and royalties, as well marine as other, within the said lands and seas thereunto adjoining; and as the common safety and interests of the people would render good government necessary in their new settlements, she gave him, his heirs and assigns, full power to convict, punish, pardon, govern and rule, as well in causes capital or criminal as civil, both marine and other, according to such statutes, laws and ordinances, as shall be by him, his heirs and assigns, devised and established for their better government." She declared that "all who settled there, should have and enjoy all the privileges of free denizens and natives of England, any law, custom, or usage to the contrary, notwithstanding; and finally she prohibited all persons from attempting to settle within two hundred leagues of any place which Sir Humphrey Gilbert or his associates should have occupied during the space of six years."

James, pursuing the same course as his predecessor, took the whole management of American affairs into his own hands. In 1621, when the Commons introduced a bill for a free fishery on the coast of

Virginia and New England, they were informed, "that those countries ought to be regarded as the King's, since they were acquired by conquest, and that not being yet annexed to the Crown, his Majesty may govern such new plantations as he shall see fit." To which it was answered, "that the royal prerogative is not impeached by the present measure, since what is done here is done by the King himself, who hath a negative; that those territories being holden of the Manor of East Greenwich are as much annexed to the Crown as it; and we may make laws here for Virginia and New England, because if the King and Lords assent to the act it will control the patent." The royal prerogative in matters of trade, aided and enlarged the power assumed and possessed over plantations. To the exclusive right to give a Charter, therefore, was added a discretionary power to license emigration, to permit the exportation of merchandise, and to grant exemption from imports for a limited time.

It was in the exercise of this authority that James I. laid the foundation of the celebrated navigation act, by trying the experiment of its principle on a small scale in the trade of Virginia. The planters, having in 1621, sent their tobacco to Flushing and other ports, the King issued an order "that no tobacco or other productions of the colonies shall be carried into foreign parts, till they are first *landed* in England, and the customs

paid; for to suffer a traffic of that kind is as inconsistent with the view of settling Virginia as with the honour of the State."

But the House of Commons, whose power was daily increasing, having taken upon itself to interfere in the affairs of the American provinces, a new source of dread arose in the minds of the emigrants; for to their apprehension of the King and the hierarchy, was now added that of the Parliament. Still they could not but congratulate themselves (if such a control were inevitable) on their good fortune in having escaped from its effects until the present most auspicious time for its exercise. It was very far, however, from their intention to acquiesce in the right, for they equally denied the jurisdiction of all three. Among the innovations that were contemplated, was a proposition to recal the old and grant a new and more perfect Charter. The General Court met for the purpose of considering the subject, which was deemed of such vital importance as to call for the aid of the Elders, who were accordingly convened to assist in their deliberations. The result of their conference was, as Parliament claimed "a supreme power in all things," not to accept a new patent; for that would imply a resignation of the old one, and they resolved; "if they shall be less inclinable to us, we must wait upon Providence for the preservation of our just liberties."

At that time it was the creed of every Puritan in the colo y that if "the King or any party from him, shall attempt anything against the commonwealth," it was the duty of the people "to spend estate, and life and all, without scruple, in its defence; that if the Parliament itself should hereafter be of a malignant spirit, then, if the province have sufficient strength, it may withstand any authority from them to its hurt." Massachusetts went even so far as to call herself *Republica Perfecta*, "a perfect republic." Acting under these strong impressions, they remonstrated in most decided terms with the House of Commons (which had under its consideration the appeal of the petitioners I referred to in the last chapter) against any power of supervision. An order from England they say, is "prejudicial to our chartered liberties and to our well-being in this remote part of the world. Times may be changed, for all things here below are subject to variety, and other princes and parliaments may arise. Let not succeeding generations have cause to lament and say: 'England sent our fathers forth with happy liberties which they enjoyed many years, notwithstanding all the enmity and opposition of the prelacy and other potent adversaries, and yet these liberties were lost at the season when England itself recovered its own.' We rode out the dangers of the sea, shall we perish in port? We have not admitted

appeals to your authority, being assured they cannot stand with the liberty and power granted us by our Charter, and would be destructive to all government.

" These considerations are not new to the High Court of Parliament, the records whereof bear witness of the wisdom and faithfulness of our ancestors in that great Council who, in those times of darkness, when they acknowledged a supremacy in the Roman Bishops, in all causes ecclesiastical, yet would not allow appeals to Rome. The wisdom and experience of that great Council, the English Parliament, are more able to prescribe rules of government, and judge causes, than such poor rustics as a wilderness can breed up, yet the vast distance between England and these parts abates the virtue of the strongest influences. Your councils and judgments can neither be so well grounded, nor so seasonably applied, as might either be useful to us, or safe for yourselves, in your discharge in the great day of account. If any miscarriage shall befall us when we have the government in our own hands, the state of England shall not answer for it.

" Continue your favourable aspect to these infant plantations, that we may still rejoice and bless our God under your shadow, and be there still nourished with the warmth and dew of Heaven. Confirm our liberties, discountenance our enemies,

the disturbers of our peace, under pretence of our injustice. A gracious testimony of your wonted favour will oblige us and our posterity."

The Committee of the House was favourable to them. They felt a lively interest in New England, not merely on account of its being the first-fruit of Puritanism, but because in the eventful times in which they lived it was not impossible it might yet become an asylum for themselves. "We encourage," they said, "no appeals from your justice, we leave you all the freedom and latitude that may in any respect be duly claimed by you."

CHAPTER VII.

Massachusetts, with the rebels in England—Proclamation against the King's party—Hugh Peters sent to England to urge on the rebellion—Cromwell appoints him his chaplain, and presents him with a commission of a Colonel in the army—His favourite text in execution—The Provincials decline to use the names of the keepers of the liberties of England in official papers, or to renew their Charter—They also refuse to take part in the war between England and Holland—Conduct of the Virginians after the King's death, contrasted with theirs—Trade with Virginia forbidden—Admiral Ascue sent to reduce the loyalists to obedience—Puritans of Massachusetts flatter the Parliament, and approve Cromwell's share in the death of the King—He offers them Jamaica, or confiscated estates in Ireland—Reasons for declining—Arrival of the regicides, Goffe and Whalley—Their reception and history—Pretended search for them—Conduct of Virginia at the death of Cromwell, contrasted with that of Massachusetts—Extraordinary letter of the General Court to Charles II.—The King proclaimed—People forbidden to drink his health.

THROUGHOUT the whole period of the Civil War, which finally ended in the captivity and

death of Charles I., the colonists warmly and deeply sympathised with the Puritan rebels and saintly murderers of the unhappy monarch. Some of the more zealous and active spirits returned to their native land to join in the work of the brethren, and those who anxiously watched the progress of events at a distance, gave consolation and encouragement to the volunteers who departed in this holy cause. "If thy brother entice thee to serve other gods," they said, "thou shalt surely put him to death." "For speaking lies in the name of the Lord, his father shall thrust him through when he prophesieth." But the issue of human affairs is in His hands, who alone directs them, and as no one can tell what a day may bring forth, prudence dictated a simulated neutrality of conduct in their public acts. Accordingly, the following extraordinary proclamation was issued by the Governor: "Whereas the civil war and dissensions in our native country, through the seditious words and carriages of many evil-affected persons, cause divisions in many places of government in America, some professing themselves for the King, and others for the Parliament, not considering that the Parliament themselves profess that they stand for the King and Parliament against malignant Papists and delinquents in that kingdom: It is therefore ordered, that what person soever shall by word, writing, or action, endeavour to disturb our

peace, directly or indirectly, by drawing a party, under pretence that he is for the King of England and such as join with him against the Parliament, shall be accounted as an offender of a high nature against the commonwealth, and to be proceeded with either capitally or otherwise, according to the quality and degree of his offence. Provided always that this shall not be extended against any merchant strangers and shipmen that come hither merely for matters of trade or merchandize, albeit they should come from any of those parts that are in the hands of the King, and such as adhere to him against the Parliament; carrying themselves here quietly, and free from railing or nourishing any faction, meeting, or sedition amongst us as aforesaid."

Nothing can be more impartial than the recital, which applies to both sides, and nothing better calculated to effect its object, than the enacting clause, had it not been for a slight omission of one of the contending parties. Had this document ever been called in question in after days, no doubt it could easily have been shown to have originated in a mistake of the clerk, or in an error of the press.

While the civil war was in full progress, a parliamentary ordinance appointed the Earl of Warwick "Governor in Chief and Lord High Admiral of all those islands and plantations in-

habited, planted, and belonging to any of his Majesty's the King of England's subjects, within the bounds and upon the coast of America," to be assisted by a council, composed of five peers, the Earls of Pembroke and Manchester, Viscount Saye and Sele, Lords Wharton and Roberts, and twelve members of the House of Commons, among whom were Sir Harry Vane, late Governor of Massachusetts, Samuel Passall, one of the original patentees of that colony, Hazelrig, Pym, and Cromwell. This Board, a pretty close imitation of the late royal commission, of which Laud had been the head, was authorized "to provide for, order, and dispose all things which they shall from time to time find most fit and advantageous to the well-governing, securing, strengthening, and preserving of the said plantations, and chiefly to the preservation of the *true* Protestant religion among the said planters and inhabitants, and the further spreading and advancement of the Gospel of Christ among those that yet remained there in great and miserable blindness and ignorance." They were also authorized to appoint, at pleasure, "all such subordinate governors, counsellors, commanders, and officers as they shall judge to be best affected, and most fit and serviceable." But, as to any particular plantations, they might, if they saw fit, depute to them any or all of the above granted powers.

Republicanism was still further advanced in the colonies by this Board. They gave to the noted Roger Williams a charter, including the shores and islands of Narraganset Bay, west of Plymouth, and south of Massachusetts, as far as the Pequod river and country, to be known as Providence Plantation, with authority to the inhabitants "to rule themselves" as they shall find "most suitable." This patent was, to all intents and purposes, a grant of independence. Similarity of religious and political sentiment, as well as gratitude for favours received, and hopes for the future, led the General Court to aid the revolutionary party in every way that was compatible with the possible contingency of a restoration. They accordingly set apart a day nominally for prayer, but, in fact, for thanksgiving, for the glad tidings from England. Three agents, at the head of whom was the notorious Hugh Peters, the pastor of Salem, were sent there "to promote the interest of reformation, by stirring up the war, and driving it on."

For this task, no man could be better qualified than Peters. Having been expelled from Cambridge, for irregularity of conduct, he became a constant frequenter of the theatres, and led a dissolute life among the actors. Mistaking disgust and satiety—the inevitable consequence of debauchery—for repentance, he reformed his habits,

applied himself to theological studies, and was ordained by the Bishop of London. But such is the effect of early dissipation, that the temptations of the town, increased by abstinence, overpowered him again; and, having been detected in a most flagitious offence, he fled to Holland, to avoid the punishment of the Civil and Ecclesiastical Courts. He did not quit the Church from conscientious scruples, but because he had violated his vows, and offended against the laws of both God and man. Like many others in all ages, he resorted to hypocrisy as a cloak for his guilt, and was received by the Puritans as a "brand plucked from the fire." The buffoonery of his manner, and his singular power of modulating his voice, which he had acquired on the stage, rendered him a most popular preacher.* To these qualifications he added another of no less importance—a thorough hatred of royalty and episcopacy. His instructions from the General Court were either verbal, as being too dangerous to be recorded, or purposely destroyed after the Restoration, as they cannot now be found; but their sanguinary nature

* In those days the hour-glass often found a place in the pulpit. In a likeness of him, prefixed to his life, he is represented as turning one, and saying to his congregation, "I know you are good fellows, stay and take another glass."

appears abundantly in his trial. Such being his popular talents, and such his errand, he was welcomed by Cromwell with open arms, who created him his own chaplain, and presented him with the commission of a Colonel in the army, saying, at the same time, that he always found those who excelled in prayer made the best soldiers.

The favourite text of the colonial delegate and divine but too plainly indicated the object for which he crossed the ocean: "With high praises in our mouths, and a two-edged sword in our hands, we are to execute judgment upon the heathen, and punishments upon the people; to bind their kings with chains, and their nobles with fetters of iron."*

When the unhappy monarch was brought a prisoner to London, Peters was his gaoler, for which office his savage temper and offensive manners were considered as the best qualifications. Whether he was one of the masked headsmen is involved in some obscurity. Mr. White Kennet says, that he was generally suspected to have been one, and a man of the name of Hulet the other.

* For want of excitement, Peters' zeal among his parishioners at Salem was observed to have greatly cooled before he sailed on this mission. He had suppressed the weekly lecture there, to enable him to prosecute schemes for the fisheries, and for ship-building.

In publicly returning thanks for being permitted to share in the awful scene, he exulted, as he said, with Simeon: "Lord, now lettest Thou Thy servant depart in peace, for mine eyes have seen Thy salvation." His conduct at his own execution has been variously represented. Burnet, in his "History of his Own Times," says: "That he was the most sunken in spirits of any of the regicides. He had not the honesty to repent, nor the strength of mind to suffer for his crime. He was observed to be constantly drinking some cordial liquors to keep him from fainting." Equally respectable authorities say, that he met his fate with firmness and resolution. The former version has probability to recommend it. Harrison and others were enthusiasts, who thought they were acting in obedience to the will of Heaven, of which they believed that they were the chosen instruments. However much they deluded themselves, it was at all events their firm conviction, and they had the honest support of a misguided conscience to sustain them in their last moments, while their courage as men had too often been exhibited to admit of a doubt. Peters, on the other hand, so far from having been trained in the rigid school of Puritan morals, was nurtured in profligacy, and adopted the tenets of the Congregationalists, not because he believed them, but that they afforded him an asylum when expelled from all respectable society. It is not

improbable, therefore, that like most ruffians he was a coward.*

But much as the Provincials sympathized with the Parliament, and firmly as they believed that Providence had sanctioned their undertaking, and crowned their arms with success, they thought their own prayers had been equally heard, and their cause no less blessed, and that their little republic was as much their own, as the greater one was the heritage of the transatlantic saints. Accordingly, when admonished that all process in the local courts should be in the name of the keepers of the liberties of England, and that the powers then in being should be acknowledged by a renewal of their Charter, they adopted the prudent course of maintaining silence and delay, as better suited to their purpose than open defiance; and continued the forms to which they had been accustomed, without too broadly asserting their rights on the one hand, or apologising for their disobedience on the other. They observed the same reserve afterwards, when Cromwell transmitted a ratified treaty with Holland as to the boundaries of New England, and the Dutch colony on the Hudson. They declined to exchange it with the Governor of that province, informing him that such a

* His widow, who remained in New England, was allowed a pension of thirty pounds per annum from his friends and admirers in Massachusetts.

formality was unnecessary, as the line indicated on it was one which they had always held, and by which they were still willing to abide.

Shortly afterwards they assumed a still more decided attitude. When a rupture took place in Europe between England and Holland, they informed Cromwell that they did not consider it necessary for them to embroil themselves in hostilities as a necessary consequence of European wars, and very quietly continued to maintain, as before, friendly relations with their Belgic neighbours. Upon being again pressed upon the subject, and requested to join in an expedition he had sent for the reduction of the Manhattaw settlements, they pleaded scruples of conscience as to embarking in foreign wars, and stated it was more agreeable to the Gospel of Peace, which they professed, and safest for the provinces, to forbear the use of the sword; but to show their respect for his Highness the Protector, and their gratitude to God for having raised him to supreme authority, that all the Churches may find rest, they *gave permission to the commanders of his forces to enlist five hundred volunteers* within the State, provided the said recruits were severally free from legal disabilities. Although they had thus artfully evaded compliance with his order in a matter that would have established a dangerous precedent, they cheerfully admitted the lawfulness of his

power in the mother country, and a day was set apart for public thanksgiving to Divine Providence "for the hopeful establishment of a government in England."

Much stress has been laid in this work on the importance to be attached to the character and feeling of the early settlers of a country, and the necessity of giving due weight to such a consideration is well illustrated by the different conduct at this critical period of Massachusetts, which was peopled by Puritans, and Virginia and other colonies, to which churchmen and the friends of the monarchy resorted We have seen that the former discountenanced the royal partizans within her borders, and sent agents to England with secret instructions to forward the rebellion. The latter, together with Barbadoes, Antigua, and Bermuda, adhered to the King, even while in exile. Virginia had a population of twenty thousand, and was determined to resist the usurpation of the rebel forces. Observing that wherever the Independents settled, they sowed the seeds of republicanism, they passed severe laws against them, in order to rid themselves of such troublesome inmates. Driven from thence, they settled in Maryland, which had soon reason to repent of her hospitality. "They were as much refreshed with their entertainment in Maryland," quaintly observes a contemporaneous author, "as the snake

in the fable was with the countryman's breast, for which they were equally thankful."

They began to pick quarrels first with the Papists, next with the oath of fidelity, and lastly, they declared their averseness to all comformity, wholly aiming, as themselves since confessed, to "deprive the Lord proprietors of that country, and to make it their own."

Virginia also offered at the same time an asylum to the loyalists who fled from the proscriptions and unrelenting cruelty of the republican forces. They went so far as to propose to their exiled Prince to take refuge among them, instead of seeking protection from a foreign power. Charles II., on his part, sent from Breda a new commission to the faithful Governor of that true-hearted people, in which he declared it to be his purpose to rule them according to the laws of England. At the same time, he recommended them to build forts for preventing internal rebellion or foreign aggression. Enraged at the devotion of these loyal colonies, an order was passed by the Parliament, empowering the Council to reduce the refractory plantations to obedience, and enacting that foreign ships should not trade at any of the ports of these four malignant provinces —Barbadoes, Antigua, Bermuda, and Virginia.

Massachusetts on this occasion exhibited her usual skill. She re-enacted the law against the

malignants, and prohibited all intercourse with Virginia until she acknowledged the supremacy of the Commonwealth. This was done with the double view of gratifying the Protector, and of escaping from the inference that any legislation was binding upon her but that of the General Court. Cromwell was not a man to content himself with a paper war. In the ordinance relative to the prohibition of their trade, he used language which showed how deeply he felt the opposition of the loyalists, and gave a sure presage of vigorous measures. In that extraordinary act, he calls them notorious robbers and traitors, and adds that as the colonies were settled by and at the cost of England, they ought to obey her laws. To enforce a submission which threats could not extort, he despatched Admiral Ascue with a powerful armament. He was instructed to use in the first instance peaceable means to bring the people to obedience, but if they should prove unsuccessful, to employ hostility, setting free such servants and slaves as would fight against their masters, and causing justice to be administered in the name of the Commonwealth.

The force thus sent against the royalists was too powerful for the undisciplined planters, and when the Governor Berkeley, who had made every possible exertion to defend the country, capitulated, it was upon very favourable terms, that

were as satisfactory to his Sovereign, as they were honourable to his own skill and courage.

A variety of circumstances now contributed to the adoption of a policy, and the passing laws in pursuance thereof, which has exercised a most powerful influence on the fortunes of the mother country, whether for good or for evil, statesmen are not yet agreed, and mainly contributed in various ways to produce the American Revolution. It was the era of the navigation laws. Alarmed at the diminution of English commerce, and the great increase of that of the colonies as well as of the north, while Cromwell protected his own and humbled a rival, he managed to punish the loyal plantations, and make them pay tribute for disobedience. With this view two acts were framed, one of which expressly prohibited all mercantile intercourse between the transatlantic provinces and foreign states, and the other ordained that no production of Asia, Africa, or America, should be imported into the dominions of the Commonwealth but in vessels belonging to British owners, or to the people of the colonies, and navigated by an English commander, and by crews the greater part of whom were to be subjects of the realm, for foreigners were also precluded from bringing to England anything but the produce of their own respective countries, or those of which they were the staples. At first this created more alarm than

annoyance. As far as the Provincials were concerned, they evaded or disregarded it, while it increased their carrying trade by transferring to them a part of that enjoyed by the Dutch. The groundwork, however, was securely laid for the vast superstructure erected upon it after the Restoration.

Although the colonial Puritans had never yielded that submission, either to the Parliament or to Cromwell, which the Protector thought was due from all parts of the empire, they nevertheless managed to keep on the best possible terms with them. They omitted no occasion of soothing their vanity, for which they had an insatiable appetite. To the former they said, (and I insert their own words as their participation in the rebellion is now stoutly denied)—"And for our carriage and demeanour to the honourable Parliament, for these ten years, since the first beginning of your differences with the late King, and the warre that after ensued, we have constantly adhered to you, not withdrawn ourselves in your weakest condition, and doubtfullest times, but by our fasting and prayers for your good success, and our thanksgiving after the same was attained in dayes of solemnity set apart for the purpose, as also by our sending over *useful men* (*others alsoe going voluntarily from us to help you*), *who have been of good use and done good and acceptable service to the*

army,* declaring to the world hereby, that such was the duty and love we beare unto the Parliament, that we were ready to rise and fall with them, for which we have suffered the hatred and threats of other English colonies now in rebellion against you, as alsoe the loss of divers of our shippes and goods taken by the King's party that is dead, by others commissioned by the King of Scotts, and by the Portugales."

They had heard from Cromwell's officers that he had a sore spot on his conscience, and they knew how to soothe, if they could not heal it. They were aware from the agitation of mind that he occasionally suffered on the subject of the King's death, that nothing was so acceptable to him as to hear others, whose judgment he respected, approve of the deed as a necessary act of justice. Availing himself of these scruples, which at times threw him into the deepest gloom, the Puritan divines of New England occasionally gratified him with an epistle, expressive of their entire concur-

* These italicised words refer to the mission of Peters and others. Besides many who served as soldiers, and several who attained subordinate command, the following names of colonial officers who fought under Cromwell have survived:—Colonel Cook, Lieutenant-Colonel Stoughton, Major Bourne, Captain Leverete, Ensign Hudson, and Dr. Liol, who acted as regimental surgeon. Winthrop says they did good service, and were well approved.

rence in the reasoning that led to that foul murder. Mr. Cotton, one of the most distinguished ministers, thus addressed him, in a letter dated Boston, 28th day, 5th month, 1657. "There are three or four principles on which you have acted, wherein my judgment hath been fully satisfied. 1st. The concessions of the late King never were such as to insure a safe peace either to Church or Commonwealth. 2nd. When the Parliament, assisted by the Commissioners from Scotland was full, and agreed that the King could not be restored to his former estate, if it afterwards voted contrary, it was prevarication, and therefore I know not how the army could have better proved its faithfulness to the State and cause, than by purging it of such corrupt humours, and *presenting the King to public trial.* Joab, the General of David's host, though he went beyond his commission in putting Absalom to death, yet he went not beyond his fidelity. These things are so clear to my apprehension that I am fully satisfied that you have all this while fought the Lord's battles. In like frame are the spirits of our brethren, the elders and churches in these parts."

For this he evinced the warmest gratitude, and offered to give them Jamaica, and transport them thither, or settle them all in Ireland on confiscated estates. In his turn he flattered their sectarian pride. He represented to them what a blow it

would be to the "Man of Sin," to have a pure-minded and holy body of men like them established in such a country as the former, where his sway had been so great. He told them the children of the Lord were entitled to a paradise for their abode, like that beautiful island, and drew a glowing picture of the fortunes people of their habits of sobriety and industry would derive from a change of residence. In Ireland he promised them the lands of the heathen for an heritage, and in either or both his continued patronage and support. They had, however, other and more practical views. They dreaded, not only the unwholesomeness of a tropical climate, but its inevitable effect in the course of time on the morals and manners of the people. If they were to accept Ireland they would have to surrender their independence, and by returning to the undoubted jurisdiction of the supreme power in England, they might be again called upon to conform, to suffer, or to migrate. They felt safe in their distant flight, and were unwilling to move.

But perilous times now awaited the republic. There were strong indications, it was said, of a reaction in England. Their friend and advocate Oliver Cromwell was dead, and his son gave no evidence of sufficient vigour to fill the place of his father, either in the eyes of the nation or the estimation of Europe. Cant was fast going out

of fashion, and mankind had learned the useful lesson, that he who has ever religion in his mouth has seldom much of it in his heart. Those who were sincere in their convictions, and had abstained from deeds of violence, looked on the coming change with the calmness and firmness of true courage, while such as had been hurried by their zeal into criminal acts, or had concealed rapine and murder under a cloak of hypocrisy, fled in terror and dismay.

Among those who sought shelter and oblivion in the wilds of America, were two of the regicides, Goffe and Whalley. Finding the restoration inevitable, they left London early in May, and arrived in Boston in the month of July following, in the full expectation of being either protected or concealed among the brethren, who in general agreed with them in opinion that "killing was no murder," when the person to suffer was a tyrant who thought Romanists were entitled to as much indulgence as themselves, and churchmen, as members of the established religion, to more favours than either. Nor were they disappointed in their reasonable expectations. They were cordially received and hospitably entertained by the Governor, the officers of the State, and the principal inhabitants; and on one occasion, when a royalist dared to apply to them the homely epithet to which they had so well entitled themselves

by their atrocious crime, the magistrates bound the offender over to keep the peace, and severely reprimanded him for insulting their distinguished visitors, by imputing to them as an offence that which, if not a virtuous and patriotic deed, was at least a stern necessity. The meeting-houses were everywhere opened to them, and they attended divine service on Sundays, and observed the fasts and public thanksgiving as established by law. The sacrament was administered to them as worthy communicants, and the saints were edified by the exercise of their great gifts in praying and lecturing, as they raised their hands, dyed with the blood of their Sovereign, and enlarged on the necessity of forgiveness of sins, brotherly love, and good-will to all men.

The King's proclamation exempting these criminals from the amnesty, though it did not disturb the consistency of the Puritans, awakened their fears lest their contumacy in harbouring traitors might draw down upon them the forfeiture of their Charter, which of all their earthly possessions, had the greatest hold on the affection of their hearts. Intimation was therefore given them to withdraw from view for the present, till the storm of popular indignation in England should blow over, and instructions were privately furnished them to proceed to the minister's house at Newhaven, while diligent search would be made for them in

such places as it was well known they would not be found. After a suitable time for escape had been allowed to elapse, the colonial rulers preserved appearances by effecting great zeal for capturing them, and a warrant was accordingly issued for their apprehension. To avoid even the semblance of partiality, instead of entrusting it to their own officers, who might be supposed willing to favour their concealment, it was directed to two Englishmen,* recently arrived from Europe, zealous loyalists and rank Episcopalians, who only required a knowledge of the country, and the sympathy of the population in their errand, to have succeeded in their enterprise. Duped by the apparent earnestness of the Governor, and the full and minute directions they received as to the best route to adopt in their search, and misled by the well-feigned ignorance and astonishment of every one to whom they addressed themselves for information; they prosecuted their fruitless errand, to the inexpressible amusement of the court, to whom a practical joke, from the gravity of manner they were continually compelled to observe, was a luxury which they rarely had an opportunity of enjoying.†

* Thomas Kellond and Thomas Kirk, whom they not inappropriately called *Tom* fools.

† Now and then a little dry humour would leak out in spite of themselves. A mechanic, having charged the

Having travelled as far as the Hudson, they relinquished the pursuit as hopeless, and returned to report their failure to the Governor, who very gravely informed them that they had been seen near Newhaven; from which he inferred that they must have entered the Manhattaw settlement, and escaped to the Low Countries; and recommended them by all means to go to Holland, and continue their search, which, as the country was not covered by an interminable forest, like America, could scarcely fail of being crowned with success.

During all this time, the fugitives were minutely informed of all that took place; and, in order to relieve their hospitable friend, the Rev. Mr. Davenport, from any imputation on their account, they prepared a cave in the side of a hill, having a small aperture to admit air and light, and so contrived as to be effectually concealed by the thick brushwood that overhung its precipitous banks. To this they gave the name of Providence Hill, and resorted to it occasionally in times of danger, when a residence among their friends was either inconvenient or unsafe.

At last, a party of Indians having accidentally discovered their retreat, they removed to a town called Hadley, about a hundred miles distant, resting

Government £2 13*s.* 4*d.* for a pair of stocks, was ordered to be put into them himself for an hour, to test the strength of his work, and was fined £5 for extortion.

by day, and travelling by night, in order to avoid being traced thither.

They were received at this place by the minister, and continued there fifteen or sixteen years, or until their decease, enjoying the sympathy of such of the inhabitants as were entrusted with their secret, the liberal contributions of their friends at home and abroad, and on one occasion the guilty pleasure of the society of another of their associates in crime, Colonel Dixwell, who, having been less obnoxious than them, and more fortunate in his disguises, had not only avoided detection, but had wholly escaped suspicion, and was at large under the assumed name of Davis.

A singular incident, connected with Goffe, has been traditionally preserved in the family of Governor Leveret, and is thus quaintly related by an historian of this early time:

"The town of Hadley was alarmed by the Indians, in 1575, in the time of public worship, and the people were in the utmost confusion. Suddenly a grave, elderly person appeared in the midst of them. In his mien, he differed from the rest of the people. He not only encouraged them to defend themselves, but put himself at their head; rallied, instructed, and led them on to encounter the enemy, who in this way were repulsed. As suddenly the deliverer of Hadley disappeared. The people were left in consternation,

utterly unable to account for this strange phenomenon." It was not probable (the apologists say) that they were ever able to explain it. If Goffe had there discovered himself, it must have come to the knowledge of those persons who declared by their letters that they never knew what became of him.

Both these men were of low origin and mean education, and emerged from obscurity only by their daring courage, and their unscrupulous obedience to the bidding of the Protector. Whalley had risen to the rank of Lieutenant, and Goffe to that of Major-General in the rebel army,* and upon the latter devolved the task of expelling the members of Parliament from the House, and of executing commands of a similar violent character. They died as they lived, in the full belief of that fatal doctrine, that the end justifies the means; and afforded by their crimes, their cruelty, and their impenitence, an instructive lesson to fanatics that the religion of the head but too often hardens the heart; that speculative theories have a natural tendency to obliterate the distinctions between right and wrong, by withdrawing our attention from the practical obligations of life; and

* The well-known Richard Baxter was chaplain to Whalley's regiment.

that the stern virtues inculcated by Scripture are accompanied, surrounded and supported by the Christian graces of mildness, meekness and charity, and a numerous train of social and relative duties.

As at the fall of Charles I. the conduct of the Puritans of Massachusetts differed widely from that of loyal Virginia, so did the death of Cromwell also affect them in an equally opposite manner. In the latter place, as soon as they had heard of the decease of the usurper, without waiting for news from England of their Sovereign's movements, they immediately proclaimed him, subverted the authority, to which they had so reluctantly submitted, and recalled from retirement their former Governor, and invested him with the chief command, thus securing to themselves the double honour of being the last to lay down their arms, and the first to re-assume them, in the defence of their King. In the former colony they would not or could not believe that Providence would ever suffer him to sit upon the throne of his ancestors, even after they received a copy of his proclamation. A motion for an address to him was put and lost in the General Court. When they called to mind the part they had taken in the rebellion, and the infamous conduct of their agent, Peters, their official and private letters to Cromwell, their own

proclamation against the King's adherents, their acts against Virginia, their continual disobedience and disloyalty to his royal father, the reception and protection they had given the regicides, they were overwhelmed with doubts and fears as to the future. The resistance which their ministers had recommended to them on a former occasion, they knew would be unavailing against so powerful a monarch as Charles II., they therefore resorted to the other alternative, "evasion and delay." They first ventured to feel their way by an address, containing the following extraordinary passage:

"Sir, we lie not before your sacred Majesty. The Lord God of Gods knoweth, and Israel he shall know, if it were in rebellion or in schism that we willingly left our dwellings in our own country for dwellings in this strange land, save us not this day. Royal Sir, your just title to the crown enthroneth you in our consciences, your graciouness in our affections; that inspires unto duty, this naturalizeth unto loyalty. Hence we call you lord, hence a saviour. Mephibosheth rejoices that the King hath come again to his house. The truth is, such were the impressions upon our spirits as transcends the faculty of an eremitical scribe. A desert condition in some sense is an object fittest to magnify princely radiance, inferior whereof cannot make the wilderness rejoice. Opaque bodies occasion the most luculent reflections.

Affection makes a rhetorician Crœsus' dumb son speak to prevent misery, and Zedekiah's tongue breaketh loose to acknowledge mercy. Warm with the influence of your royal favour, we by way of congratulation, comforted ourselves that the breath of our nostrils, the anointed of the Lord, hath escaped: of whom we begin to say, under his shadow we shall live among the heathen."

The absurdity and extravagance of this language is thus gravely defended by Bancroft:—"The spirit that breathes through it is republican. The style of hyperbole is borrowed from the manners of the East, so *familiar from the study of the Hebrew Scriptures.*"

The truth of these protestations, so solemnly made, was well attested by the manner in which Charles was proclaimed. This ceremony had been deferred, from a natural repugnance to acknowledge him at all; but, in August, 1661, the aspect of affairs was so alarming, it was thought prudent to propitiate him, by complying with this usual and constitutional practice. To the act itself there could be no objection; the difficulty lay in so carefully conducting their proceedings, and in so wording the public document, as not to admit him, in express language, to have any authority in Massachusetts, beyond that of a temporal prince, with whose ancestors they had entered into a compact, whereby, for himself and his heirs, he had sur-

rendered the territory, comprised within certain specified limits, on the nominal condition of receiving a fifth of the produce of all silver and gold mines. Accordingly, a number of forms were proposed and discussed, but were severally rejected, as admitting too much by words or by implication, until, at last, the following extraordinary one was adopted, as the shortest, simplest, and safest that they could suggest:—"Forasmuch, as Charles II. is undoubtedly King of Great Britain, and all other his Majesty's territories and dominions, thereunto belonging, and hath been some time since lawfully proclaimed and crowned accordingly; we therefore do, as in duty we are bound, own and acknowledge him to be our sovereign Lord and King; and do, therefore, hereby proclaim and declare his sacred Majesty, Charles II., to be lawful King of Great Britain, France, and Ireland, and all other the territories thereunto belonging. God save the King."

It is observable that his Majesty is here described as King of Great Britain, France, and Ireland, and all other the territories thereunto belonging, which term is satisfied by the Orkneys and the Channel Islands; but no mention is made of America, Massachusetts, or the words colonies or plantations. Brief and cold, however, as this declaration was, it was adopted with great re-

pugnance, and the day passed in ominous gloom. An order of the Court was issued at the same time, and posted up in various parts of Boston, forbidding all disorderly behaviour on the occasion, declaring that no person might expect indulgence for the breach of any law, and, "in a particular manner, that no man should presume to drink his Majesty's health, *which he has in an especial manner forbidden.*"

CHAPTER VIII.

The King appoints a council for the colonies—Their advice —Connecticut and Rhode Island send agents, who obtain for them charters containing full powers of self-government—Navigation laws—They fall heavily on Virginia, and alarm all the Provincials—The General Court publishes a declaration of rights—Their reasoning as to the origin of their title to the country—They send agents to England—Instruction given to them, and letters of introduction to noblemen of Low Church or Dissenting principles—They meet with a favourable reception, and return with a letter from the King requiring certain changes in their laws and modes of procedure—An affected show of compliance—Dissatisfaction of Churchmen, of Baptists, and especially of Quakers—Severe treatment of latter—A commission of inquiry issues to Colonel Nichols and others—Their instructions —General Court orders the Charter to be put into a place of concealment—Prepares to receive the Commissioners.

THE Convention Parliament had scarcely adjourned, when Charles II. performed the promise

he had made at parting, and endeavoured to carry into effect the various acts of a foreign and domestic nature they had made. He established, in December, 1660, a council for the general superintendence of the colonies, and for enforcing the laws of trade. Had he always acted upon their suggestions, he would have saved his own reputation, and spared himself and his successors many vexations and annoyances. They urged him "to agree with such as have any property in his plantations, and take the same into his own hands, in order to prevent the granting any for the future." Sir William Berkeley, the old and loyal Governor of Virginia, repeated the same recommendation, most truly foretelling "that those patents in the next age will be found more advantageous to the Crown than is perceptible in this."

Notwithstanding this judicious advice, and the pending difficulties and controversies, he at once made two of the most extraordinary grants, of a pure, unmixed, and unrestrained democracy, that were ever issued by any monarch. The constitution of Massachusetts, it was well known, was an usurpation—the application of a local charter, by a company in London, for the purposes of civil government in America; but these were *bonâ fide* concessions, no deception was practised, no information withheld. Republicanism was asked, and obtained. Connecticut and Rhode Island

having favours to seek, were more prompt in proclaiming the King than Massachusetts, and at once sent delegates to congratulate him on his restoration, and to solicit charters. On their arrival in England they were introduced to some Low Churchmen, of rank and influence, in whom they found most active partisans. Men whose lives are chiefly spent in making professions, are seldom able to find sufficient time to practise what they so loudly extol. Their sectarian sympathy was stronger than their loyalty, and the interest of the King and the nation were transferred, by hypocritical politicians, into the hands of crafty republicans. The charters they obtained for the delegates, vested in the proprietary, freemen of Connecticut and Rhode Island, the right of admitting new associates, and of choosing annually from among themselves a governor, magistrates, and representatives, with power of legislative and judicial authority. No appellative jurisdiction, and no negative on the laws, were reserved to the Crown, any more than in Massachusetts and Maryland. They were, to all intents and purposes, entitled to self-government; so much so, indeed, that these same royal patents remained the basis of their polity long after they became independent states. Even the oath of allegiance was not required of them. The usual clause, stipulating that their laws should

be conformable to those of England, was modified, or rendered nugatory by an extraordinary reference "to the constitution of the place, and the nature of the people." It granted universal toleration to all mankind, without limitation to Christian sects.

It is no wonder the joy of the Provincials knew no bounds. The grant exceeded their fondest and most ardent hopes. In Rhode Island the inhabitants were assembled "for its solemn reception." The Charter was read in the audience and view of all the inhabitants, and the letters with his Majesty's royal stamp and the broad-seal, with much beseeming gravity, were held up on high, and presented to the "perfect view of the people." So completely had the King denied himself of all power, that in a subsequent reign, when the Rhode Islanders claimed the protection and interference of the Sovereign against the oppressions of their own legislature, arising from frauds practised on them in a depreciated Currency, that monarch replied, under the advice of the Crown officers, that he could afford them no redress, since his misadvised predecessor had relinquished all jurisdiction. At this period, therefore, New England consisted of several little independent republics.

While vast concessions were thus made on the one hand, most extensive restrictions were imposed on the other, by extending and remodelling the

laws of trade. So much indeed was added to the outline sketched by the Long Parliament, and so novel, as well as important, were many of the provisions of this celebrated act (12th Charles II. c. 18), that it seems to have attracted to itself a name that more properly belongs to several, and has ever been known as the Navigation Law. The avowed motives for this restrictive legislation, were thus set forth: "That as the plantations beyond seas are inhabited and peopled by subjects of England, they may be kept in a firmer dependence upon it, and rendered yet more beneficial and advantageous in the further employment and increase of English shipping and seamen, as well as in the vent of woollen and other manufactures and commodities, and in making England a staple not only of the productions of those plantations, but also of those of other countries, and places for supplying them, and it being the usage of other nations to keep the trade of the plantations to themselves."

Colonial industry at that period furnished many articles for exportation, but these were of two kinds. Some were raised in quantities in America only, and would not compete with British productions in the market of the mother country: these were enumerated, and it was declared that none of them, that is, no sugar, tobacco, ginger, indigo, cotton, fustic and dying woods, shall be

transported to any other country than those belonging to the Crown of England, under penalty of forfeiture; and as new articles of industry of this class grew up in America, they were added to the list. But such other commodities as the English merchant might not find convenient to buy, the Provincials might ship to foreign markets, and the farther off the better, because they would thus interfere less with the trade which was carried on in England.' The colonists were therefore confined to ports south of Finisterre. Soon after the act of navigation was extended, and additional restraints imposed, by prohibiting the importation of any European commodities into the colonies but what were laden in England in vessels navigated and manned according to law. Effectual provision was also made for exacting the penalties to which the transgressors were subjected. By these successive regulations, the plan of securing to England a monopoly of the commerce with her colonies, and of closing every other channel into which it might be diverted, was perfected and reduced into a complete system.

These acts filled the Provincials with consternation and anger, and by calling into question the right of the Imperial Legislature to pass them, materially extended the disaffection which neglect, the constant changes in the government of the mother country, and the spread of democratic

principles had of late so much engendered. They fell with peculiar weight upon Virginia, on account of the nature of her productions, and were felt to be an ungrateful return for her tried loyalty and affection. Great Britain never afterwards thoroughly regained her affections; as soon as the law went into operation, that colony remonstrated against it as a grievance, and petitioned earnestly for relief. But the commercial ideas of Charles and his ministers coincided so perfectly with those of Parliament, that instead of listening with a favourable ear to their application, they laboured assiduously to carry the acts into strict execution. For this purpose the most positive instructions were issued to the Governor; forts were built on the banks of the principal rivers, and small vessels appointed to cruize on the coast.

The Virginians seeing no prospect of obtaining exemption, sought relief in evasion, and found means, notwithstanding the vigilance with which they were watched, of carrying on a considerable clandestine trade with foreigners, particularly with the Dutch settled on the Hudson River. Every day something occurred to revive and nourish discontent. As it is with extreme difficulty that commerce can be turned into a new channel, tobacco, the staple of the colony, sunk prodigiously in value when they were compelled to send

it all to one market. It was some time before England could furnish them regularly full assortments of those necessary articles, without which the industry of the country could not be sustained or properly secured. The sense of wrong the people of Massachusetts entertained on the subject of their revenue laws, was absorbed in the interest felt in the preservation of their Charter, or mitigated by their predetermination to resist them if able, otherwise "to protract or evade," according to the advice of their elders. Having received a more gracious answer to their complimentary letters to the King than they had expected, and somewhat recovered from the apprehension arising from a review of their disloyal conduct, they resolved to maintain with their accustomed energy and spirit what they concurred to be their just claims of independence under their patent. They accordingly took into consideration the whole subject of their own powers, and those of the Crown, and after mature deliberation, agreed upon and published a declaration of rights.

I. Concerning our liberties: 1. We conceive the patent (under God) to be the first and main foundation of our civil policy here, by a Governor and Company, according as it is therein expressed; 2. The Governor and Company are by the patent a body politique in fact and name; 3. This body politique is vested with the power to

make freemen, &c.; 4. The freemen have power to choose annually a Governor, deputy governor, assistants, and their select representatives or deputies; 5. This government hath also power to set up all sorts of officers, superior as well as inferior, and point out their power and places; 6. The Governor, deputy governor, assistants and select representatives or deputies, have full power and authority, both legislative and executive, for the government of all the people here, whether inhabitants or strangers, both concerning ecclesiastical and civil matters, *without appeals*, excepting law, or laws repugnant to those of England; 7. This government is privileged by all fitting means (yea, if need be,) by force of arms to defend themselves both by land and sea, against all person, or persons, as shall at any time attempt or enterprise the destruction, invasion, detriment, or annoyance of the plantation or the inhabitants therein, besides other privileges mentioned in the patent, not here expressed; 8 We consider any imposition prejudicial to the country, contrary to any just law of ours (not repugnant to the laws of England) to be an infringement of our rights.

II. Concerning our duties of allegiance to our sovereign Lord the King: 1. We ought to uphold, and to our power maintain the place, as of right belonging to our sovereign Lord the King, as holden of his Majesty's manor of East Green-

wich, and not subject the same to any foreign prince or potentate *whatsoever;* 2. We ought to endeavour the preservation of his Majesty's royal person, realms, and dominions, and so far as lieth in us to discover and prevent all plots and conspiracies against the same, &c.; 3. We ought to seek the peace and prosperity of our King and nation, by a faithful discharge in the governing of this people committed to our care."

To which is added a clause, that the warrant for the apprehension of Goffe and Whalley ought to have the support of the Court, and that no shelter should be given to people *legally obnoxious* and flying from justice. This extraordinary document exhibits more briefly and distinctly their ideas of their own independence, and their own nominal allegiance to the Crown, than the most laboured treatise, and possesses the additional advantage of not being an inference from facts subject to be controverted, and open to the charge of prejudice, but a manifesto carefully weighed, deliberately adopted, and entered on record in the journals of the house.

Here are distinctly shadowed out the three great doctrines on which their sovereignty rested. The first is a positive denial of the right of appeal; the second, a declaration that Acts of Parliament regulating their trade were unconstitutional; and the third, an assertion of their peculiar privilege of

managing their own internal affairs. These three principles, accompanied as they were with a distinct avowal of the legality of maintaining them by force of arms, comprise absolute independence. They are wholly irreconcilable with anything like imperial control, and leave the King nothing but an empty title. It is, therefore, absurd to ascribe the origin of these pretensions to the revolution of 1783. They thus early asserted and contended for unmixed and uncontrollable republicanism. Nor was the demand either unnatural or inconsistent with their position or prejudices, and the circumstances of both Europe and America at the time. They had grown up in neglect, and self-government was essential to their existence as a community. Having exercised it for a long period from necessity, they became enamoured of it from use, and now demanded it as a right. According to these views, into which they had reasoned themselves, their connection with England was purely voluntary. The only compact they had with its Sovereign, they alleged, was to pay him a fifth of the gold and silver ore found in the soil, which they expressed their willingness to do, whenever any should be discovered. On that condition, and that their laws should not be repugnant to those of the parent country, they obtained the territory. But they said, if there were no Charter, they still owed no obedience; for the King, in fact, had no

title himself by pretence of discovery, which was a mere Popish doctrine derived from Alexander VI.; and their own was far better, being founded on prior possession, actual and continued occupation, and improvement, and purchase from the Indian chiefs.

Had the habits of the monarch been at all equal to his abilities, and his means adequate to enforce his authority, it is probable he would have taken prompt and efficient measures to ensure their submission. His sagacity penetrated their designs, but his indolence and indecision were unequal to a contest in which there was neither present emolument to reimburse the expense, nor an increase of royal power to add strength or dignity to the throne. He resorted to professions of regard, and was met by such extravagant hyperboles, as to excite the irrepressible laughter of the courtiers. He was less successful in negociation. They were subtle disputants, and having overpowered their own judgment and strong intellects with casuistry, were easily able to vanquish his statesmen, whose minds were more occupied with their own intrigues than the affairs of a distant and refractory colony. In the end, as we shall presently see, he resorted to a court of law, and partially effected his object.

Complaints still continuing to be made of their want of toleration, arbitrary conduct, and dis-

affection, the local government thought it necessary to send two agents to England, to endeavour to meet these charges in the best manner they could. These gentlemen accepted the trust with the greatest reluctance, and such was their apprehension relative to their own personal safety, that they first stipulated for reimbursement and indemnification from the consequences of their detention by the Court. They were fortified with letters to Lord Saye and Sele, who had more Puritanism than was consistent with his character for good sense, and more sympathy with colonial independence than was compatible with his duty to his Sovereign. Lord Clarendon, Lord Manchester, Colonel Temple, and others were also solicited to aid and assist their envoys, who were finally dispatched with especial orders to obtain all they could, and to yield nothing. As the instructions are very brief, and exceedingly characteristic, I insert them.

1. You shall present us to his Majesty as his loyal and obedient subjects, and not be wanting to instance in the particulars which most and best render us so to be.

2. You shall endeavour to take off all scandal and objections which are or shall be made against us.

3. You shall endeavour the establishment of the rights and privileges we now enjoy.

4. You shall not engage us, by any act of yours, to anything which may be prejudicial to our present standing, according to patent.

They met a favourable and, what appeared to them, a gracious reception from the King, who assured them he would confirm the main objects of their Charter, but commanded them immediately to rectify several serious deviations from its spirit and meaning. On their return to their native country, his Majesty delivered to them a letter, addressed to the Government of Massachusetts, containing an amnesty for past offences, but requiring that all their laws should be reviewed, and such as were contrary or derogatory to his authority and government annulled and repealed; that the oath of allegiance should be duly observed, that the administration of justice should be in his name, that liberty should be given to all that desired to use the Book of Common Prayer, and perform their devotions in the manner to which they had been accustomed; that all persons of good and honest lives and conversations, should be admitted to the sacrament of the Lord's supper, according to the service of the Church of England, and their children to baptism; that in the choice of Governor and assistants, the only consideration to be had should be of the wisdom, virtue, and integrity of the persons to be chosen, and not of any faction, with reference to opinions and outward profession;

that all freeholders of competent estates, not vicious, &c., though of different persuasions, should have their votes in the election of all officers, civil and military; and, finally, that the letter should be published, &c.

However reasonable these things now appear, they were considered at the time very detrimental to their rights, by a people, who had hitherto tolerated no interference in their internal affairs. They deemed them subversive of their liberty on the one hand, and destructive of all true religion and good government on the other. When so many things, however, were ordered to be done, and so many innovations required, it was manifest some compliance was necessary, if only for the sake of preserving appearances. The letter was accordingly published, which was the easiest to be complied with of all the injunctions it contained, but the order for its promulgation was accompanied, as usual, with a caution, that no further action was to be taken upon it for the present. "Inasmuch as it hath influence upon the Churches, as well as civil state, all manner of action, in relation thereto, shall be suspended, until the next General Court, that so all persons concerned may have time and opportunity to consider of what is necessary to be done in order to his Majesty's pleasure therein."

It was also ordered, that all writs and legal pro-

cess should thereafter be issued in the name of the King. To admit it to appear in the judicial proceedings was unavoidable, but to enforce respect for it would be in itself an acknowledgment of a foreign power; and the different submission required to local and imperial authority was forcibly illustrated by two contemporaneous suits.

A person who had rendered himself obnoxious by petitioning against the colony, happening shortly afterwards to be in court, was accused of discourteous conduct, fined £200 for his contempt, and ordered to find sureties in a like sum for his good behaviour; while a constable, who refused to publish the King's letter, and a select man, who spoke disrespectfully of it, were both acquitted on an alleged deficiency of proof.

The determination to evade or delay, which had become a fixed rule of conduct on all occasions, exhausted the patience of the English Government. Churchmen, both within and without Massachusetts, were loud in their complaints, that the colony was rendered intolerable to the one, and practically closed to the other; while those who felt aggrieved at the decisions of the court, expressed, in strong terms, the sense they entertained of the hardships they endured, in being debarred from a rehearing, and by having an appeal converted into an offence of a very serious nature, that of slandering the Lord's elect.

Among others who were aggrieved were the Quakers, who stated that their people had suffered incredible punishments and persecutions at the hands of the Puritans. Without entering into the heart-rending details of the cruelties practised upon them, it is merely sufficient to state what enactments were made against them. One of the first imposed a penalty of £100 upon the master of any vessel who should bring a known Quaker into any part of the colony, and required him to give security to carry him back again; in the meantime, the unfortunate man was sent to the house of correction, and whipped twenty stripes, and afterwards kept at hard labour, until transportation. They also laid a fine of £5 for importing, and the like sum for dispensing, their doctrinal books, and for defending their heretical opinions. The next year, an additional law was made, by which all persons were subjected to the penalty of forty shillings for every hour's entertainment given to any known member of the sect; and any Quaker, after the first conviction, if a man, was to lose one ear, and the second time, the other; a woman, each time to be severely whipped, and the third time, man or woman, to have their tongues bored through with a red-hot iron; and every one who should become a convert in the colony was subjected to the like punishment. Afterwards, a fine

of ten shillings was laid on every person present at any of their meetings, and £5 upon any one speaking there.*

* That these poor zealots were superior to the gloomy bigots who persecuted them, appears from the following extract from William Leddra's address to his brethren, written the day before his execution, which, considering the station of the man, and the circumstances under which it was written, is singularly beautiful:

"Most dear and inwardly beloved,

"The sweet influence of the morning star, like a flood distilling into my innocent habitation, hath so filled me with the joy of the Lord, in the beauty of holiness, that my spirit is as if it did not inhabit a tabernacle of clay, but is wholly swallowed up in the bosom of eternity, from whence it had its being.

"Alas, alas! what can the wealth and spirit of man that lusteth to envy, aggravated by the heat and strength of the king of the locusts, which came out of the pit, do unto one that is hid in the secret places of the Almighty, or to them that are gathered under the healing wings of the Prince of Peace? O, my beloved, I have waited as the Dove at the windows of the Ark, and have stood still in that watch, which the Master did at His coming reward with the fulness of His love, wherein my heart did rejoice that I might speak a few words to you, sealed with the spirit of promise. As the flowing of the ocean doth fill every creek and branch thereof, and then returns again toward its own being and fulness, and leaves a savour behind it, so doth the life and virtue of God flow into every one of your hearts whom He hath made partakers of His divine nature; and when it withdraws but little, it leaves a sweet savour behind it, that many can say they

Notwithstanding all this severity, their number, as might well have been expected, increased rather than diminished. When brought up for judgment, one of them observed, "For the last man that was put to death here, are five come into his room; and if you have power to take my life from me, God can rise up ten of His servants, and send them among you in my place, that you may have torment upon torment."

All these tortures, imprisonments, corporal and and other punishments were inflicted without remorse, and endured without producing any other effect than feelings of horror or pity in the

are made clean, through the word that He hath spoken to them. Therefore, my dear hearts, let the enjoyment of the life alone be your hope, your joy, and your consolation. Stand in the watch within, in the fear of the Lord, which is the entrance of wisdom. Confess Him before men; yea, before His greatest enemies. Fear not what they can do to you. Greater is He that is in you, than he that is in the world; for He will clothe you with humility, and in the power of His meekness you shall reign over all the rage of your enemies."—*Duval's History of Quakers.*

Mary Dyer addressed from the gaol a remonstrance to the Court:

"Were ever such laws heard of among a people that profess Christ come in the flesh? Have you no other weapon but such laws to fight against spiritual wickedness withal, as you call it? Woe is me for you. Ye are disobedient and deceived. Let my request be as Esther's to Ahasuerus, 'You will not repent that you were kept from shedding blood, though it was by a woman.'"

beholder. Four of them suffered capitally. To the positive orders of the King that these dreadful barbarities should be discontinued (after having first satisfied themselves of their inefficiency), they yielded compliance, so far as mutilation and death were employed, and the persecution of vagabond Quakers dwindled down into mere whipping, with the merciful limitation attached to it, that the culprit should be only flogged through *three* towns. The Baptists, who had also been treated with great severity, joined in the universal complaint against the Puritans.

Finally the Lords of the Council, who were daily besought for relief by so many different interests, represented to the King, (January, 1662-3,) " that New England hath in these late times of general disorder, strayed into many enormities, by which it appeared that the Government there have purposely withdrawn all manner of correspondence, as if they intended to suspend their absolute dependence to his Majesty's authority."

Not wishing to proceed to extremities with these intractable people, Charles resolved upon sending Commissioners to report upon the actual state of the colonies; and accordingly Colonel Nicholas, Sir Robert Carr, George Cartwright, and Samuel Maverick, were authorised to proceed to America, " to visit the provinces of New England, hear and

determine all causes of complaint, as well as appeals in matters military, ecclesiastical and civil, and to settle there peace and security." The instructions given them were of a kind well calculated (as far as such a proceeding was capable) to maintain no more than the due observance of the terms of the Charter on the one hand, and the royal authority on the other. They were particularly charged to endourage no faction, to solicit no present profit, to countenance no change inconsistent with ancient usages, and to do nothing that might be considered an invasion of liberty of conscience. Finally, not to shock their religious scruples beyond all endurance, or to run the hazard of driving a people already highly excited, into irretrievable madness, they were commanded not to suffer their chaplain, when officiating for them, to wear his surplice.

As these gentlemen were expected in Boston early in July, a day of fasting and prayer was appointed to be observed throughout the whole province, to implore the mercy of God upon his people under their sore trials and afflictions. As it was thought not impossible some attempt might be made by the Commissioners to seize upon their Charter, it was ordered to be brought into court, when it was formally delivered, together with a duplicate, to four confidential persons, who were empowered and enjoined to deposit them in a place

of safety and concealment. The Governor and Council then resolved "to bear true allegiance to his Majesty, but to adhere to a patent so dearly earned and so long enjoyed." A committee was also appointed, whose duty it was, immediately on the arrival of the ships, to present their respects to the board, and request that strict orders should be given to the subaltern officers, sailors, and soldiers, on their coming on shore for refreshment, to land only in very limited numbers, without arms, and that they should be admonished to conduct themselves in a meet, orderly manner, and abstain from giving offence to the inhabitants, or violating the laws for the preservation of the peace. Having taken these precautions, and mutually encouraged each other to exercise great coolness and deliberation, in any step it might be necessary to take in this trying emergency, they awaited with patience the arrival of the formidable officers of the Crown.

CHAPTER IX.

The Commissioners arrive at Boston—Deliver a royal letter to the Government, and proceed to the Hudson to attack the Dutch settlements—The General Court in their absence petition for their withdrawal, and solicit the aid of the Puritan noblemen—Answers of the King and Lord Clarendon—General effect of Commissions of Inquiry — The franchise extended — The clergy and demagogues prepare the people for resistance — False rumours put into circulation—General Court refuse to summon the people to assemble—Commissioners inquire whether they admit the King's authority—They decline to answer, and refuse to attend before them, or to submit to an appeal—They summon the Commissioners—Close of the inquiry — Accidents to Commissioners reputed to be judgments of Heaven—The King orders the Governor and other members of the General Court to appear before him—They decline, affecting to doubt the genuineness of the order—Distinction taken between obedience to beneficial and injurious orders—The New England colonies renew their confederation—Effect of it—Complaints of English merchants against the infraction of the laws of trade—The oath of allegiance ordered to be taken, and the King's arms set up—Agents sent to

England, but ordered to yield nothing—A custom house officer appointed—Opposition to him—He is obliged to return to England—General Court re-enacts trade laws—Its members take modified official oaths—Collector sent out again, but they threaten to execute him—Is obliged to quit the colony—General gloom in Massachusetts—People terrified by comets—The credentials of agents found deficient—They offer a bribe of two thousand guineas to the King—Agents return, and are followed by Randolph with the *Quo Warranto*—General Court refuses to surrender the Charter—Their arguments—They again petition and pretend there has been no service of the writ—Judgment given against them—Remarks on their conduct—Natural effects of dissent.

THE Commissioners arrived at Boston on the 13th of July, 1664, and having laid before the Governor and Council their letters patent, and called their attention to the last mandatory communication from his Majesty, proceeded to the Hudson, for the purpose of reducing the Dutch settlements, that interposed so inconveniently between the English provinces.

During their temporary absence, the General Court petitioned the King to revoke their authority, and once more besought the aid of all those influential persons in England, who, at one time or another, had shown them any kindness. To the former they said, in their usual adulatory language, "As the high place you sustain on earth doth number you among the gods, so you will imitate the God of Heaven, in being ready to

maintain the cause of the afflicted, and the right of the poor, and to receive their cries and addresses to that end." The rest of the memorial was a lamentation, at once humble in language, and obstinate in purpose, filled with the most dutiful expressions of loyalty and obedience, but containing no pledge of fulfilling any one of the reasonable conditions, on which alone his Majesty had promised to confirm their patent. To their patrons and friends they represented the commission as an attempt to destroy their privileges, to deprive them of liberty of conscience, and to impose burdens upon them that they were unable to bear. The King, who saw through their evasions, assured them that his object was, not to infringe upon their Charter, but to see that its provisions were fully and fairly complied with; that their neighbours, the inhabitants, and the savages, as well as the emigrants, made accusations against them, into which it was his duty to inquire; that they might rely upon the fullest protection and support, that the best subjects ever received from the most generous Prince; and finally, that he would renew the patent for them, but must first insist on a full and free toleration for Churchmen and Dissenters, and a repeal of such laws as were repugnant to those of England.

Lord Clarendon, who was one of the noblemen to whom they had addressed themselves, indignantly declined to be the medium of their double-dealing. "I know not what you mean," said his Lordship, "by saying that the Commissioners have power to exercise government inconsistent with your rights and privileges, since I am sure their instructions are to see and provide for the due and full observation of the Charter, and that all the privileges granted by it may be equally enjoyed by all his Majesty's subjects there. I know they are expressly inhibited from intermeddling with, or obstructing the administration of justice, according to the forms observed there; but if, in truth, the proceedings have been irregular, and against the rules of justice (as in some particular cases, recommended to them by his Majesty, they seem to be), it cannot be presumed that his Majesty hath, or will leave his subjects of New England without hope of redress by an appeal to him, which his subjects of all his other kingdoms have free liberty to make. I can say no more to you, but that it is in your power to be very happy, and to enjoy all that hath been granted to you; but it will be absolutely necessary, that you perform and pay all that reverence and obedience, which is due from subjects to their King, and which his Majesty will exact from you, and doubts

not but to find from the best of the colony, both in quality and number."

Subsequent events but too plainly showed that both were wrong. There was too much hesitation and condescension on the part of the King, and too much dogged obstinacy on the side of the people. The whole tenor of the conduct of the colonists, from their first arrival in the country, afforded no reasonable ground for hoping for an accommodation. A commission of inquiry, that does not in the first instance supersede the local government, and assume the supreme command, is worse than useless; on the one hand, it is exposed to legalized obstructions, that it cannot resist; and on the other, it subverts that respect and obedience to constituted authority, which is so essential to the well-being of a community.

This was the first time the General Court had ever come in direct conflict with the Crown. It was a difficult and trying occasion, but they proved themselves equal to the emergency. Their cautious conduct, temperate language, unflinching firmness, and grave demeanour, gave them a decided advantage over the Commissioners, who had neither the weight of character, the influence of talent, nor the amount of legal knowledge necessary for the successful discharge of their duties,

while they were wholly destitute of the requisite means for enforcing their decisions.* They were equally forgetful of what was due to the high station they filled themselves, and to the rank and power of a local government, the choice of a free people. So far from having a proper consideration for the mortifying and humiliating position in which the General Court was placed, they seemed to regard nothing but the exercise of their own authority.

The forbearance of the Governor and his council, under their embarrassments, was more than could have been expected from men who had persuaded themselves they were rather sinned against than sinning. Though indignant at being summoned in the presence of their constituents, to answer to every complaint that could be elicited against them, and degraded by being put

* Hutchinson (vol 1, p. 250) thus describes them: "Colonel Nichols, by his discreet behaviour, gained the esteem of the people, and afterwards, whilst he was Governor of New York, kept up friendly correspondence with the General Court of Massachusetts. Carr and Cartwright were men very unfit for such a trust, and by their violent proceedings rendered themselves odious. Maverick seems to have been appointed only to increase the number, and to be subservient to the others. He had lived in the colony from its beginning. He was always in opposition to the authority."

upon their trial before incompetent, if not prejudiced judges, they nevertheless maintained, with the utmost command of temper, what they affected to call their chartered rights; asserting their territorial supremacy, without recrimination on the one hand, or an open and seditious denial of royal authority on the other. This line of conduct they steadily pursued, as long as it was possible to do so, or until submission or resistance became inevitable.

Whatever wisdom or experience may be gathered from the pages of history in general, it is certain that the annals of the old provinces, so rich in instruction, have imparted but little knowledge to those in England, in whose hands are entrusted colonial destinies. This Commission, as we shall see, was a wretched failure, as every successive one has been, down to that recently sent to Canada. They are necessarily productive of infinite mischief; they lower the respect of the Provincials for the Imperial Government, induce hasty and inconsiderate legislation, based on reports that are alike distinguished for their incongruity, impracticability, and disingenuousness; but, above all, they disgust by their reckless attacks (in which they make liberal use of the senseless epithets, "cliques," "family compacts," "obstructives," and "bigoted Tories,") on the loyal gentry of the colonies, who are as superior to those erratic politicians in ability

and practical information, as they are in integrity of conduct and consistency of character.

The General Court assembled on the 4th of August, when they resolved: "That they would bear faithful and true allegiance to his Majesty, and adhere to their patent so dearly obtained and so long enjoyed by undoubted right, in the sight of God and man." They then repealed the law relating to the admission of freemen, and, instead of it, provided another, that allowed English subjects, being freeholders, rateable to a certain value, *certified by the minister of the place* to be orthodox, and not vicious in their lives, to be made freemen, though not members of their Church.

In the meantime, the clergy and the demagogues prepared the people for resistance; the former, by haranguing in their pulpits; the latter, in their town meetings. As the whole population was constrained to attend public worship on Sundays, one day was sufficient to disseminate sedition through a country predisposed to receive it. Assembling for parish business, afforded favourable opportunities for the inhabitants to discuss what they had heard in their conventicles. The most alarming rumours were artfully put in circulation. It was said that Prelacy was to be established, and tythes set apart for the Episcopal clergy; that dissolute soldiers were to be quartered upon the elect, and £5,000 a-year raised for the civil

list of the King, beside a tax of twelve-pence per acre; while offices, without number, were to be created for hungry courtiers. The louder, more inflammatory, and bolder, were the harangues of their orators, the more acceptable they became; and nothing was heard through the whole province but tyranny and patriotism, liberty and slavery, victory or death.

The desired effect was immediately produced. Whoever associated with the Royal Commissioners became the objects of popular ridicule or insult. They were afraid to appeal, lest they should incur the vengeance of their offended countrymen. They were told, if they acknowledged the authority of the Board, "they would pull down with their own hands the house which wisdom had built for them and their posterity."

The Commissioners, desirous of removing the unfavourable impressions raised against them by these slanders, requested that the people might be convened together to hear their commands; but the Court, with their usual caution and evasion, dreading the effect of the interview on the firmness of the yeomanry, no less than the precedent of their obeying any one but themselves, replied that they had no objection whatever to their assembling, if they thought proper to do so; for they were free agents, and could do as they saw fit on this or any other occasion. They professed, however,

their inability to understand how such a general meeting could in any way further the object of their inquiry, as the people were well-informed of all that had taken place, and were faithfully represented by their delegates, who were empowered to act and to speak in their behalf. Entertaining this view, they said they did not feel justified in commanding their attendance, especially as the season was such as to require the utmost exertion of every one, when labour was so scarce and expensive; and, what was an awful consideration, it would expose the aged and infirm, and the women and children, of every frontier settlement to the fury of the savages, who would doubtless seize the opportunity of wreaking their vengeance by an indiscriminate slaughter of them all. For this reply, which was better calculated to excite ridicule than indignation, they were very coarsely stigmatised by one of the Commissioners as traitors. The Board then sent notices themselves, to be posted up in different parts of the colony, requesting the inhabitants to meet them, for the purpose of hearing the King's gracious letters, and learning the true object and design of their mission; but they were too much irritated with what they had been told, to pay any attention to them.

It is not my intention to enter into any detailed account of the controversy between these function-

aries and the local government, as it would not only not interest the general reader, but would withdraw our attention from the main object of this work. The Court affected to feel and lament the painful dilemma in which they were placed; to submit, they conceived would be to strip themselves of all their rights; to refuse compliance, seemed to be attended with odium, and the danger of being considered in the light of rebels. They said, "they esteemed it their greatest unhappiness to be held to give up their privileges by charter, and the rights of Englishmen, or else be accounted among such as denied his Majesty's authority." All their replies, therefore, were worded in such general terms, and expressed in such cautious language, that the Commissioners, after much correspondence, and conferences without number, found, to their infinite mortification, that, during the whole period of their residence in the country, they had been travelling in a circle, and had arrived at last at the same point from whence they had started, not much enlightened by their vexatious and laborious tour. Loss of time and labour generally produces a corresponding effect on the temper. Irritated at last by the evasions or refusals of the Court, they submitted to them the following question:—"Do you acknowledge the patent, wherein we are appointed, to be of full force to all the purposes therein contained?" To

this form of interrogation the Governor and his council objected, saying they chose rather to plead their Charter, and the King's special charge, that they should not be disturbed in its enjoyment. This being deemed wholly unsatisfactory, they were again called upon for a categorical answer; but they declared it "was enough for them to give their sense of the rights granted to them, and that it was beyond their line to determine the power, extent, and purpose of his Majesty's Commission." Baffled in this attempt to draw them into an admission, so fatal to their defence, or into a contumacious denial of the royal authority, the Commissioners determined to apply to them a most stringent test, by bringing them to their bar, as a court of appeal. They accordingly summoned them to appear before them, to answer to a complaint of a person against whom they had some time before pronounced judgment. But they protested against this assumption of power, so inconsistent with their Charter, and refused to attend. At the time appointed, a herald sounded his trumpet, and read a proclamation, which, after a long recital of their own forbearance during the protracted visit of the Commissioners, and the repeated and frequent invasions they made upon their rights, declared, in his *Majesty's name*, and by the authority committed to them by their patent, that they could not consent to their proceedings, and

that it was utterly inconsistent with their allegiance to suffer any persons so to contravene the King's instructions. After this they informed the Board of their earnest desire to give them every satisfaction in their power, and notified them that they should forthwith proceed to hear the cause themselves, and desired them to appear and produce their allegations, to which every attention should be paid.

This unexpected turn of affairs brought the commission to a close in Massachusetts; and the officers composing it, after protesting against the General Court taking cognizance of a matter in which they were directly interested, informed them that they should lose no time in such an undignified contest. They were doomed, however, to suffer still further mortification. They had been in the habit, during their residence at Boston, of entertaining a social party of friends, on Saturday evening, at the hotel where they lodged. This, it appears, was contrary to a local law, which required a strict observance of the afternoon of that day, as a portion of the Sabbath. A constable, intruded into their room, ordered them, *in the King's name*, to disperse, which caused his immediate ejection from the house. Thinking that the insult was an intentional one, premeditated and suggested by the magistrates, and fearing a repetition of the outrage, they adjourned

to the house of a friend, where they were again visited by another bailiff, who, after admonishing them to mend their manners, observed, it was fortunate they had not had him to deal with, as he would assuredly have arrested them all. "What," said one of the Commissioners, "would you have presumed to lay hands on the King's officers?" "Certainly," was the reply of the democratic and sanctimonious constable, "I would seize the King himself if he were here." Not knowing where this conduct might end, they left Massachusetts on a tour to the other New England colonies, in which they experienced much difficulty, though more obedience and courtesy than at Boston.

Like all commissioners of inquiry that have ever been sent to America, they deemed it requisite to prove the necessity of their appointment, by encouraging and graciously receiving complaints against the local government. That the Charter, which was never designed as a constitution, was too undefined in its terms, and too restricted in its practical operation, and that many beneficial reforms were required, was beyond all doubt; but it was equally obvious that respect was due to the station and character of the Governor and Court of Assistants, to the feelings of people of influence and rank in the colony, and to the ministers of the great body of the population. Mankind are

sufficiently prone to disobedience to their superiors; but when the organs of imperial authority lend their countenance and afford encouragement to the disaffected, every land, whether it be the barren soil of New England, or the fertile region of Canada, will bear a plentiful harvest of falsehood, misrepresentation, and discontent.

One of the Commissioners was captured by the Dutch, on his return to England, and lost all his papers, and another died the day he landed in Bristol; two accidents, which were seized upon by the ministers, with their usual propensity for the marvellous, and declared to be the just judgments of God upon those who had sought to injure the Lord's elect. Such a signal interposition of Providence raised the drooping spirits of those who doubted the propriety of the conduct pursued by the General Court, and confirmed the obstinacy and increased the spirit of resistance in the magistrates and people. The official narrative, however, of their proceedings reached England in safety; and, as might have been expected from the treatment they had received, was very unfavourable. It disclosed very plainly,* how systematically the Provincials had always pursued their darling object, self-government, from their first settlement to the period of the rebellion in England, when they be-

* See "Hutchinson's History of the Colonies," vol. III, p. 412.

sought Cromwell to bestow absolute independence upon them, and from thence to the arrival of the Board, whose authority they eluded or denied, calling themselves a state, a commonwealth, and a people, in contradistinction to a colony and subjects.

As soon as the result of the mission was known, it occasioned great indignation. A letter addressed in the name, and by the order of the King, and countersigned by Secretary Maurice, was dispatched to Boston without delay, commanding on their allegiance Mr. Bellingham, the Governor, and Mr. Hawthorne, the Speaker, together with three others, to be chosen by the General Court, to proceed forthwith to London, to answer the various charges which from time to time had accumulated against them. The peremptory tone of the order required their immediate and serious attention. The Legislature was convened, and six elders successively prayed for a blessing on their deliberations, and the discovery of some practicable mode of escape from their troubles.

They were indebted to their ingenuity, for what no one else but themselves would have attributed to their supplications. A slight deviation from the truth effectually answered their purpose. They effected to doubt the authenticity of the letter, as they were not familiar with the

signature of the officer by whom it was signed, and pronounced it a forgery. They therefore agreed upon an answer, in which the genuineness of the royal mandate was questioned, and excused themselves for sending over agents, especially as they said the ablest among them could not declare their cause more fully than it had been done already. An abstract of the debate on this occasion has been preserved,* and exhibits in strong colours their determined purpose to resist the right of supervision or appeal. A very curious and subtle distinction was taken between such commands of the King's as were beneficial to them, and such as were not.† It was argued that the civil magistrate was a minister of God for the good of the people, and so far as his injunctions tended to their advantage, ought to be obeyed for conscience sake, but none would say it was for the benefit of a colony to send away its rulers!

In the meantime the confederation of Massachusetts, Connecticut, and Plymouth, was again renewed by commissioners from the respective provinces, who entered into an offensive and defensive alliance. This *convention* increased the

* See the Danforth Papers in vol. XIX, Massachusetts Hist. Col.

† See Cobbet's letter, in note to Hutchinson's History, vol. I, p. 253.

confidence of the people in their own strength, by giving unity to their designs, and vigour to their conduct. When assembled, they represented a very extensive country, and a large population, and naturally encouraged each other in struggling for independence, which was their motive for settling in America, and the inheritance they hoped to leave to their children.

A new interest, however, had now sprung up in England, adverse to the pretensions of the colonists, that enlisted the people on the side of the King, which it was easy to foretel would soon overpower them. The commerce of the American provinces, as we have seen, had already been regulated and restrained by Parliament. It was now considered a proper object for taxation. Duties were laid upon certain enumerated articles, which were to be collected in a new manner. The management of this branch of revenue was committed to local officers, to be appointed by the commissioners of the customs in England. The duties of tonnage and poundage had been extended to every dominion of the Crown at the Restoration, but this was the first act which imposed imports on the colonies alone (1662), to be regularly collected by provincial revenue officers. The former acts had not only been evaded, but openly disregarded by the people of Boston; and the English merchants complained that they traded directly to various ports in Europe, and invited

foreigners to visit them; that they supplied the adjoining plantations with the productions of other nations, which ought to be sent to Great Britain alone; that, having thus made Massachusetts the great emporium for America, the commerce of the kingdom was greatly prejudiced, the national resources impaired, and the people impoverished. They also added, that such abuses would at once destroy the trade of England, and effectually relieve the colonies from any sort of dependence on the parent country. The interest at stake was too vast and too important to be trifled with. The governors were therefore commanded, by royal authority, to enforce a strict obedience to the laws of trade. Commissions were transmitted, empowering proper persons to administer an oath, framed to secure their strict observance. To add weight to these measures, it was determined "that no Mediterranean passes should be granted to New England, to protect its vessels against the Turks, till it should be seen what dependence it would acknowledge on his Majesty, or whether his custom-house officers should be received as in other colonies."

In order to counteract the effects of the unfavourable report of the Commissioners, and to allay the irritation arising from so many grievous complaints, it was deemed advisable by the General Court spontaneously to make some con-

cessions, which, if they did not wholly answer their avowed purpose, would at least enable them to procrastinate awhile longer, and retain the advantage that might be offered by time or opportunity. They therefore passed an act to punish high treason with death, and another requiring all persons above sixteen years of age to take the oath of allegiance, on pain of fine and imprisonment; the Governor, his deputy, and the magistrates, having first taken the same, without reservation, in the words* sent them in the royal mandate. The King's arms were also ordered to be carved and put up in the Court-house. Randolph, who had suffered imprisonment with Sir Edmund Andross, and had never forgotten or forgiven the injuries he then received, had carried to England very exaggerated accounts of the wealth and population of Massachusetts, and now returned empowered to administer to the New England Governor an oath to enforce the acts of trade. In Massachusetts it

* The form of the oath, as previously existing, is one of the most evasive and loose ever constructed. It is in the following words: "Whereas I, A. B., am an inhabitant within this jurisdiction, considering how I stand obliged to the King's Majesty, his heirs and successors, by our Charter and the Government established thereby, &c., swear, by the great and dreadful name of the everlasting God, that I will bear faith and true allegiance to our sovereign Lord the King, his heirs and successors. So help me God."

was peremptorily refused, on the ground that no such oath was required by the Charter. They, however, enacted one of their own on the subject, and voted a present to the King of some cranberries, *a special good samp.*, as they were designated, and also some cod-fish, cured after the manner of the country.

They were again admonished by his Majesty, who appears to have treated them with great consideration, to send agents to England, with full power to answer for them, and in the mean time, he required their immediate compliance with the several injunctions contained in the previous mandate. Having so often found safety in delay, they persevered in this system of procrastination, alleging as an excuse, the dangers of the sea, the agent for Connecticut having been recently captured by the Algerines, and the heavy debt of the colony, which made it almost incapable of the expense. At last, however, the orders were repeated in such a peremptory manner, that compliance could no longer be deferred, and they were accordingly appointed, but strictly commanded not to do or consent to anything that should violate or infringe the liberties and privileges granted by the Charter, or the government established by its authority.

It was difficult to submit to the laws of trade on two grounds: first, they interfered with the growth and prosperity of Boston; and secondly,

being acts of a foreign power, they could not well be acknowledged without admitting the authority that made them. The King, finding that nothing effectual was done to suppress these irregularities, deemed it necessary to send over a custom-house officer with a suitable commission for executing his important and delicate task. He was furnished with letters both mandatory and introductory to the local government, and influential inhabitants, to support, aid and countenance him in his office. It required a man of no ordinary nerve to attempt to carry out such instructions, in defiance of a whole community. Such a person however was Randolph, who was selected for the purpose.

Against this appointment the Lords of the Committee of Colonies very properly remonstrated. They reported to his Majesty, "that no good was to be expected from the single endeavour of one man, till by a general reformation of abuses, New England is reduced to such dependence as is yielded by the other colonies." They also suggested that the only effectual remedy "was a Governor wholly supported by the King." The wisdom of this recommendation is evinced by the whole subsequent history of the British possessions in America. Had it been acted upon, it would have saved innumerable disputes and embarrassments; but like all the advice offered

to that monarch, it was received, approved and forgotten.

As soon as Randolph landed, he was regarded as a spy and an enemy, and was not only received with coldness, but encountered obstruction and insult, both from the Government and the people. He was not altogether unprepared for the result, for he had previously been informed by the Governor, Mr. Leverett, in plain language, that he did not acknowledge the authority of Parliament.

"I called his attention," says the Collector in his report, "to the fact that several vessels had arrived from Spain, France, Straights, Canaries, and other parts of Europe, contrary to his Majesty's laws for encouraging navigation, and regulating the trade of the plantations. He freely declared to me, that the laws made by your Majesty and your Parliament oblige them in nothing, but what consists with the interest of that colony; that the legislative power is, and abides in them solely, to act and make laws by virtue of the Charter; that all matters in difference are to be conducted by their final determination without appeal, and that you ought not to retrench their liberties, but may enlarge them if you please; and said that your Majesty could do no less than let them enjoy their rights and trade, they having upon their own charge, and without any contri-

bution from the Crown, made so large a plantation in the wilderness."

In addition to the odium resulting from enforcing laws so repugnant to the prejudices and interests of the people, Randolph was also received with great dislike as an Episcopalian, a correspondent of the Bishop of London, and the avowed advocate for the settlement of a clergyman of the Established Church in Boston. No Englishman was ever hated and dreaded as much as Randolph (whom they called their evil genius), for he was resolute, persevering, well-informed, and devoted to the cause of the King, and what he esteemed to be the rights of England.* But what can one man do when the Governor, the Council, the Assembly, the Judges, the Jury, and the mob, are all opposed to him, his office, and his claims? He returned to London to exhibit another instance in his own person of the utter inutility of attempting to enforce obedience in a colony, that is virtually independent, without a total alteration in the structure of its government, or the aid of a military force. His personal and official influence was such, that to anticipate his complaints they voluntarily made some partial concessions. They passed an act, giving authenticity and efficacy to many of the

* He made eight voyages to England in nine years.

navigation laws, thereby adopting them as their own, in preference to admitting their validity. The Governor took the oath of office extracted from the English statutes, and rendered necessary by their own. They modified their Jewish code of jurisprudence, and enrolled the commission of the obnoxious officer.

These compliances induced his Majesty to try them a little longer, and the Collector was sent out, contrary to his own opinion, to make another attempt to discharge his duty, and found, as he expected, that, notwithstanding all their professions, their conduct and their principles were unchanged. Immediately on his arrival, he addressed a letter to the Governor, demanding the final resolution of the Court, whether it would admit his commission to be in force or not, that he might know how to deport himself. Of this communication they took no notice whatever, under the impression that a reply might hereafter rise up in judgment against them; but they thought that an exhibition of contempt for him and his embarrassments was quite compatible with prudence, for it must be felt to be appreciated, and is incapable of description. They maintained silence, however, no longer than was necessary to avoid committing themselves. He was soon given to understand what he had to expect at their hands. Finding he could obtain no reply, he set up a notice on the Town-house,

informing the public of his commission as Collector of Customs, that he had opened an office for that purpose, and required all persons interested to comply with the prescribed forms. The Court immediately ordered the Marshal to remove the presumptuous advertisement, and adopted other measures that effectually defeated all his attempts to exercise his delegated authority. If he prosecuted for a penalty, he was compelled to lodge caution-money to respond the costs; and if it came to trial, he either lost his cause and his deposit, or the penalty was claimed by the local government.

Everybody was against him. Strange rumours reached him that were not to be disregarded. His life was threatened. He knew his men; he felt that they were capable of any acts of violence, when they thought their rights infringed, and that their penal laws were neither obsolete nor dormant, but executed with a vigour and severity wholly unrestrained by considerations of mercy, or fear of consequences. He was given to understand, if he persevered in seizing vessels, and embarrassing their trade, he should be apprehended, tried, convicted, and executed, under a local statute, that made any attempt to subvert their chartered liberties a capital offence. He was, therefore, under the necessity of once more withdrawing to England, where he exhibited seven

formal articles of high misdemeanors against the General Court. They were brief, perspicuous, and capable of proof, and carried conviction on the face of them. The King's patience was exhausted; he threatened them, if they did not at once send agents duly authorized to act and submit to him, a *Quo Warranto* should issue immediately. It was not now the complaint of Randolph alone that they had to answer, but the remonstrances of the whole mercantile and manufacturing interests of the kingdom. The just displeasure of an offended monarch, and the well-founded fears of English statesmen that America was aiming at independence, required the exercise of all their ingenuity and address. Two delegates were sent to England, commissioned as usual "to avoid or delay," to obtain what they could, but to make no concessions.

It was a time of general gloom in the colony. The King's power was increasing in England. He was carrying on a successful war against charters: even London had lost hers, and how could they suppose they were to escape? Everything seemed to conspire against them. They were at last somewhat divided in opinion among themselves, whether it would not be better to yield; and their unity, in which had consisted their strength, was shaken. Could it be a judgment from Heaven upon them for their offences? Could their recent toleration of sectaries have drawn down on their heads

judicial punishment? They were the chosen people of the Lord. In giving way to the wishes of a prelatic King, by adopting human laws instead of those of Moses, which they had lately so impiously repealed, it was possible that disobedience might have deserved and received chastisement.

Something very remarkable, it was generally believed, was about to take place, for the air was filled with strange sounds, and the darkness illuminated with wondrous lights. Two enormous comets had traversed the heavens, and carried terror into every heart, as they were the sure and certain forerunners of calamities to fallen, sinful man. Two of the largest fires ever then known in North America, had nearly consumed Boston; the first destroying forty-five houses, besides numerous large stores and, what showed the Divine vengeance of the devouring flame more than all, a *meeting-house;* the second burning up more than eighty dwellings and seventy warehouses, with several vessels and their cargoes.

A synod was called of all the clergy of Massachusetts. It was an unusual occasion, and the prayers of the whole body were needed. The preachers proved, to the entire satisfaction of the people, that they could expect no blessing if they continued to allow the Lord's heritage to be invaded by prelacy and, dissent, or relinquished the privileges of His elect. The drooping spirits of

the people revived, and they expressed their determination to stand or fall by their Charter, and to make no surrender.

On the arrival of the agents in England, it was found that their instructions did not contain sufficient authority to enable them to treat on behalf of the colony. They were ordered to procure more comprehensive powers, but the General Court refused to enlarge them. Their mission was thus brought to a close, and a *Quo Warranto* issued in the usual form, for the purpose of putting an end to the Charter.

Hitherto the local government had depended upon their allies, the Liberals. The connection had always been one of convenience rather than regard, for they mutually despised each other. The Provincials coalesced with that party, because they had a more republican tendency than the Tories, and courted the support of the enemies of the Church; but they loathed their profligacy, their disregard of all principle, and their readiness to sacrifice patriotism for place, and consistency for the emoluments of office. On the other hand, the Liberals knew the importance of so large and influential a body as the Sectarians, and were well skilled in inflaming their passions, pandering to their prejudices, and rendering their discontent and their union subservient to their own

schemes of ambition. But while they used them, they ridiculed them; and their ignorant zeal, hypocritical pretensions, and extravagant language of cant, afforded them inexhaustible subjects for satire. It was an age when the leaders of the two extremes of sanctimonious and dissolute modes found their greatest safety in embracing each other. Knowing that the Liberals were always venal, and having succeeded in seducing the clerks of the public offices (if there can be seduction where there is no virtue), and keeping them on pay to betray their trusts, they were always constantly and accurately informed of the secrets of State, and furnished with copies of all Minutes of Council, memorials, or complaints, affecting their interests, as well as the names of those members that voted for or against them.

They now conceived the plan of concentrating their gratuities and tempting the cupidity of the King, and most unblushingly offered him a bribe of two thousand guineas.* His thoughtless dissi-

* The proofs of these charges are abundant. The following will suffice:

"From the Clerks of the Privy Council, who were retained on treacherous pay, they procured the strictest information, and even the State Papers. Perfectly acquainted by this means with European affairs, the ruling men at Boston were able to draw every advantage from

pation, lavish profusion, and unquenchable thirst for means to gratify his extravagant habits, were well calculated to lower himself and his monarchy to the level of republicans. The agents did not underrate his honour, but they overvalued their own dexterity. Had it been delicately managed—for he was fastidious in his appetites—it is to be feared he would have had as little virtue to resist,

distractions, either to act with moderation or firmness."—*Chlm. Col.* vol. I, p. 129. [Chelmus held the important office of Head Clerk to the Committee of the Privy Council, and is therefore good authority.]

"Having long corrupted his servants, they now attempted to bribe himself by an offer of two thousand guineas."—*Chlm. Col.* vol. I, p. 133. "Massachusetts was willing to bribe the Monarch into clemency towards its liberties."—*Ban. Hist.* vol. II, p. 123. "Cranfield advised tendering two thousand guineas for the King's private service. The Court agreed to the proposal, and showed him the letter they had written to their agent thereon."—*Hutch. Hist.* vol. I, p. 337.

"Major Thompson would make better use of your funds for your advantage. His employment in the East India Company gives him frequent access to Court, where he hath opportunity to give a feeling to such classes of the Council as may serve you with true intelligence. They have been there two years raising money upon the poor inhabitants to make friends at Court. Certainly they have some there too nigh the Council Chamber, otherwise they could not have copies of my petition against the Government, my articles of high misdemeanors, and now of Cranfield's instructions."—*Letter of Randolph to Clarendon, June 14th*, 1682.

as they had honesty to offer the temptation; but the coarseness of the execution, if possible, surpassed the baseness of the design, and it failed of success as much on account of its grossness, as its immorality.

It was a great mortification to both. The King concealed his chagrin under a well-turned point. He said the Puritans were unrelenting foes, they had deprived his sainted father of his life, and now they would rob him of what he prized more highly, his honour. The agents were covered with shame, and were pointed at wherever they went as hypocrites, who had the depravity of courtiers, without their practical adroitness, or polished manners to conceal it.* They returned as soon as possible to Boston from their fruitless mission, and arrived on the 23rd of October, and the same week were followed by the indefatigable Randolph, with the *Quo Warranto*.

At the same time his Majesty made one effort more to bring this protracted contest to an end, and condescended again to entreat them to submit, promising at the same time to make as few alterations in their patent as possible, consistently with the support of a royal government. In this desperate situation the question was debated, both in

* Truly, Sir, if you could see how we are ridiculed by our best friends at Court, it would grieve you.—*Dudley's Letter to Bradstreet, February*, 1682.

the General Court, and among the inhabitants at large, whether it were better to make ample submission to the King, or suffer matters to take their course. The Government, however, and the people, true to the principles they had ever professed, determined it was better to die by the hands of others, than to commit a suicidal act themselves, by surrendering a Charter, under which they had, for a period of fifty years, enjoyed internal and external independence. The General Court assembled and debated the subject for a fortnight. The upper branch was divided in opinion, but moderate counsels prevailed, and the majority passed a resolution not to contend with his Majesty at law, but rather throw themselves on his mercy, and to send agents to receive the royal commands. This vote was sent to the Chamber of Deputies, according to the usual form, for their concurrence.* The clergy took the alarm and

* The vote was as follows: "The magistrates have voted that an humble address be sent to his Majesty by this ship, declaring that, upon a serious consideration of his Majesty's gracious intimations, in his former letters, and more particularly in his late declaration, that his pleasure and purpose is only to regulate our Charter in such a manner as shall be for his service, and the good of this his colony, and without any other alteration than what is necessary for the support of his government here; we will not presume to contend with his Majesty in a court of law, but humbly lay ourselves at his Majesty's feet, in a sub-

effectually prevented its passage through the Lower House. It was the last time they were ever able to exert the same influence.*

The arguments on this occasion (though not in the shape of modern reports) are preserved in the valuable and interesting collection of the Massachusetts Historical Society: the substance I find elsewhere thus condensed: "Ought the government of Massachusetts (thus it was argued) submit to the pleasure of the Court, as to alteration of their Charter? Submission would be an offence against the majesty of Heaven. *The religion of the people* of New England, and *the Court's* pleasure *cannot consist* together. By submission, Massachusetts will gain nothing. The Court designs an essential alteration, destructive to

mission to his pleasure so declared, and that we have resolved by the next opportunity to send our agents, empowered to receive his Majesty's commands accordingly. And, for saving a default of non-appearance upon the return of the writ of *Quo Warranto*, that some meet person or persons be appointed and empowered, by letter of attorney, to appear and make a defence, until our agents may make their appearance and submission as above. The magistrates have passed this with reference to the consent of their brethren and the deputies hereto.

"EDWARD RAWSON, *Secretary*."

* "The clergy turned the scale for the last time. The balance which they had held from the beginning, they were allowed to retain no longer."—*Hutchinson.*

the vitals of the Charter. The corporations in England that have made an entire resignation, have no advantage over those who have stood a suit in law. But if we maintain a suit, though we should be condemned, we may bring the matter to Chancery or to Parliament, and in time recover all again. We ought not to act contrary to that way in which God hath owned our worthy predecessors, who in 1638, when there was a *Quo Warranto* against the Charter durst not submit. In 1664 they did not submit to the Commissioners. We, their successors, should walk in their steps, and so trust in the God of our fathers, that we shall see His salvation. Submission would gratify our adversaries, and grieve our friends. Our enemies know it will sound ill in the world, for them to take away the liberties of a poor people of God in a wilderness. A resignation will bring slavery upon us sooner than it otherwise would be, and will grieve our friends in other colonies, whose eyes are now upon New England, expecting that the people there will not through fear give a pernicious example unto others. Blind obedience to the pleasure of the Court, cannot be without great sin, and incurring the high displeasure of the King of Kings; submission would be contrary unto that which has been the unanimous advice of the ministers given after a solemn day of prayer. The ministers of God in New England, have more

of the spirit of John the Baptist in them, than now, when a storm hath overtaken them, to be reeds shaken with the wind. The Priests were to be the first that set their feet in the waters, and there to stand till the danger be past; of all men they should be an example to the Lord's people, of faith, courage and constancy. Unquestionably if the blessed Cotton, Hooker, Davenport, Shepherd, and Mitchell, were now living, they would, as is evident from their printed books, say, 'Do not sin in giving away the inheritance of your fathers.'

"Nor ought we to submit without the consent of the body of the people. But the freemen and Church members throughout New England will never consent hereunto. Therefore, the Government may not do it. The civil liberties of New England are part of the inheritance of their fathers, and shall we give that inheritance away? Better suffer than sin. It is better to trust the God of our fathers, than to put confidence in princes. If we suffer because we dare not comply with the wills of men, against the will of God, we suffer in a good cause, and shall be accounted martyrs in the next generation, and at the Great Day." The vote was finally sent back with the following decision. "The Deputies consent not."

The proprietors resident in England, with one exception only, ashamed of conduct they could not

justify, disclaimed the usurpation. Craddock, their former Governor, after some little show of deference, suffered a default to be entered, and the rest of the patentees stood outlawed. The General Court, consistent to the last, made one more attempt at delay and supplication. In an address, most humble in language, but firm in purpose, they excused themselves from sending home the Charter, on pretence that judgment had been passed against it, upon a *Quo Warranto*, and declared if they had been duly notified, no doubt they could have put in a sufficient plea to it; that if they should transmit it, they would be looked upon as runagates and outlaws; that the common people would think that his Majesty had cast them off; and that they would for their safety confederate themselves *under a new Government, which would be of dangerous example to other plantations.*

"We do not question your proceedings," they said, in conclusion, "we only desire to open our griefs where the remedy is to be expected, and we are told to renew our humble supplication to your Lordships, that we may be suffered to live here in this wilderness, and that this poor plantation, which hath found more favour with God than many others, may not find less favour with the King." A semi-official reply was returned by the Lords Commissioners through the medium of Mr. Craddock. They again called upon the cor-

poration to send home the Charter; and, as an carnest of their benevolent designs, authorized its present Government to continue until a new patent should pass the seals.

In addition to this memorial, they availed themselves of the want of a formal service of the order, and accordingly voted to take no notice of it; "for," said the members in their debates, "*it is unofficial*, and the Lords Commissioners cannot proceed upon it, since they can obtain no proof that it was delivered to the Governor;" and, the better to insure this result, they directed Mr. Craddock's agent, when he again wrote to his principal, not to mention the receipt of his last letter. But this technical objection availed not, and a judgment was entered on the *Quo Warranto*, in Trinity Term, 1684, a copy of which reached Boston on the 3rd day of July, 1685, and put an end to the ancient Government of Massachusetts.

Thus fell the first American Republic, after an existence of more than fifty years; "but with it," says a distinguished author,* "fell not the habits nor the principles which the settlement of the country had engendered. These were for a time slightly hidden in its fall, but soon sprang up again, more deeply-rooted and renovated with permanent strength; nor have they ceased to

* Minot.

flourish, till, in their turn, they have overrun, and probably for ever buried, every germ of royal authority in that republican soil."

It is not my object to animadvert on the conduct of the first settlers of Massachusetts, but to record so much of their history as is necessary to establish the proposition I set out with, namely, that American democracy does not owe its origin to the revolution, and to the great statesmen that framed the Federal Constitution; but that it existed in the country from the earliest period, and that a republic *de facto* was founded at Boston, in 1630, which subsisted in full force and vigour for more than half a century. After the narration contained in these pages of its rise, progress, and termination, I think no one can entertain a doubt that the independence of the states conferred little or nothing on Massachusetts that she did not enjoy under her first Charter, unless it be an exemption from the restrictions on her trade, imposed by the navigation laws. Her internal sovereignty indeed was more complete than it is now, for all the delegated powers given to Congress, the National Judicatory, and other federal institutions, is so much withdrawn from what she then possessed and retained in her own hands.

It is not my province to subject the pretensions of this people to the ordeal of criticism. If it were, however, it would be found that though the

means used for their defence were not always such as could be approved, there is much to admire in their history. Having removed the Charter to America, and boldly usurped the power of independent self-government, that act must be carefully distinguished from the rest of their conduct, and separately considered with reference to its legality or morality. Their subsequent defence, of what they conceived to have been their chartered privileges, was always skilful and persevering, and often manly. It would be unfair to view them through the medium of loyalist prepossessions. They were not rebels, for they did not profess to be subjects. And, be it remembered, the distinction they took between local and general allegiance has the authority of high names to sanction it. They were not at that time so much endeavouring to sever the connection with England, as to protect themselves from aggression. If they were intolerant, it was the vice of the age. If their negotiations with the parent country, through the instrumentality of their agents, were sometimes deficient in frankness and sincerity, these are qualities which have never been ascribed to diplomacy, and there is no reason to charge them exclusively with faults, from which, unhappily, no people were ever exempt. Nothing could be more natural, nothing more plausible, and, I might almost say, nothing more reasonable, than their claim to the

territory they inhabited. Unlike other colonists of modern times, they had not received anything from England that demanded their gratitude. They made the province themselves. It is cultivation and population alone that stamp a value on land. The cold, barren, and inhospitable country comprised within their grant, was scarcely worthy of acceptance, certainly not of purchase, at the date of their patent. The fostering hand of the parent state was never extended to them. They cleared the interminable forests, they resisted the assaults of the savages, and the encroachments of the French. They built up their villages, extended their settlements, erected their fortifications, founded their schools, supported their clergy, and established and maintained the Government, not only without the aid of England, but under many discouragements, and in the face of opposition.

The annals of colonization may be searched in vain for an effort so distinguished for courage, industry, perseverance, frugality, and intelligence. Their descendants have reason to be proud of the imperishable monument their ancestors thus erected in the great American wilderness of their own fame. Is it then to be wondered at, if they loved so dearly, and defended so strongly, a possession so *peculiarly* their own? and must we not in fairness admit, if they called sophistry in

aid of their claim to independence, that England, to maintain her title by discovery, had not in reality much better or sounder grounds to proceed upon. The right of Europeans to America will not bear a very close investigation, but the pioneers who settled it, under the circumstances I have mentioned, might well be excused, if they thought their pretensions quite equal to those who had first sailed along the coast, and called it their own.

Their faults were engendered by the age in which they lived, their seclusion from the world, the severity of their morals, and the confused and imperfect knowledge they had of the relative obligations of the Old and New Testament; and as it would be manifestly unjust to omit those circumstances that palliated or accounted for their conduct, so, on the other hand, the narrative would be equally incomplete if no mention were made of their glaring inconsistencies. By quitting the reformed and pristine Church of England to which they belonged, they gave up fixed principles for the unsettled licence of that unmeaning term, Protestantism, and decent and necessary ceremonies, for an exemption from all order and established observances. They measured what they were by what they were not; and, as they protested against the errors of Popery, very complacently assumed that the whole

Roman Church was a vast and complicated error, and that whatever she did not believe, practise, or enforce—and that only—was primitive. In their pious horror of its unauthorized assumptions, they adopted a system that consisted of nothing else but human inventions. They resisted a prelate with disdain, for the Pope was a bishop. They suppressed confirmation, transferred ordination to the brethren, and marriage to the civil magistrate; and, as prelatic clergy bowed in reverence, and kneeled in supplication, they abolished both as superstitions, and voted to stand up boldly before their Maker, and plead guilty or not guilty like men. They did not think it Scriptural to call the Apostles saints, who were unlettered men like Congregationalists (with no other possible advantage but the accidental one of being inspired), but they thought it by no means superstitious to appropriate the designation to themselves, or to regard old women as witches, and consistent with religion to execute them. They denied the authority of the General Council, composed of learned divines, but they established synods, consisting of men who compensated for their want of erudition by their superior gifts of extemporaneous preaching. They maintained the right of private judgment in religion, but they hanged Quakers; for it was manifest that they who differed from them had no judgment what-

ever. Determined to limit the authority of the clergy, they elected and ordained them themselves, and gave them to understand that the same power that made could discharge them. They then, with singular inconsistency, invested them with privileges that made them infinitely more despotic than those of any Church in the world. They emigrated, they said, to avoid persecution: more than fifty years elapsed before the Church of England could compel them to be tolerant. The fact that religious liberty was forced upon them by her efforts, is a triumphant answer to the calumnies that have been so liberally heaped upon her by sectarians and Romanists, at home and abroad.

This is the natural effect of schism. But the blame belongs not to the Puritans of Massachusetts more than to others. Dissent has no resting-place. There are regions yet unexplored, where the adventurers who are in advance of their nation, and dwell on the borders of civilization, may push their discovery, and, like the Mormons, enjoy the revelation of prophets of their own.

Although we must now take leave of these republican colonists, we shall still continue their history during the interval that elapsed before the arrival of the new Charter, when it will be a more agreeable duty to examine the institutions they planted in the country, the beneficial effects of

which are still felt and acknowledged throughout the United States. I shall next give a brief view of the condition of the other provinces at this period, which forms a great epoch in the history of the country, and afterwards trace the progress of democracy in this continent during the existence of the royal government, until it attained that strength and maturity that enabled it boldly to assert, and manfully to achieve, its absolute independence.

BOOK II.

CHAPTER I.

Indignation and grief of the colonists at the loss of their Charter—Death of Charles II.—Accession of James II. —Apprehensions of having Colonel Kirke as Governor—Some account of him—Mr. Dudley appointed President, who, with the assistance of six councillors, undertakes the Government—Protest of the Magistrates against the suppression of the Legislature—Unpopularity of the President—Description of the territory within his jurisdiction—Some account of Maine and New Hampshire, and the intrigues of Massachusetts to extend its authority over them—Desire of Charles II. to confer the former on the Duke of Monmouth, and to establish a Royal Government in the latter—Both comprehended within the Commission of President Dudley—Character of his administration.

WE have seen in the foregoing chapters how constantly this people asserted and maintained

their independence from the day they first landed in the colony until the Charter was revoked. The loss of their liberty filled them with grief and indignation. They had always dreaded interference, and had hitherto resisted or evaded every attempt of the King, the Parliament, or the hierarchy to control them. This continued watchfulness, and anxious jealousy, had infused into their minds suspicion of the designs, and distrust of the good faith of England; but the loss of their patent inspired feelings of hatred for what they called the wantonness of invasion, and of revenge for the humiliation of defeat. Unable to defend themselves, they were compelled to yield to superior power; but if they could not openly contend, they could at least harass. If they could not recover the country they had cleared and planted, they felt they could make it an uncomfortable abode for their victors. In the age in which they lived, they knew they must have some form of constitutional government, and some fundamental rights conceded to them; and that the exercise of those privileges in a spirit of bitterness, and uncompromising obstinacy, must necessarily embarrass any administration, and render the possession of the colony as useless to the English, as their presence and interference were distasteful to them.

Thus the republicanism of America may be traced to its first settlement, but the intense hatred

of the Imperial Government, that gave stability and strength to the anti-monarchical principles, and finally led to the overthrow of British rule, must be dated at 1684 (the period when they lost their Charter). It is not easy, at this distance of time, for persons practically unacquainted with the untiring zeal, the malignant revenge, intrepid courage, and martyr spirit of fanaticism, to comprehend the full force of the rage and disaffection with which the Provincials were maddened at the overthrow of their little sovereignty. The revocation by Charles II. of the patent of Massachusetts was the first step taken in a great scheme of reform he had conceived for the transatlantic plantations. The inconsiderate manner in which he had disposed of a large portion of his American territory, the little control he had reserved to himself in the Charters he had given to several colonies, and the difficulty he found in enforcing obedience to the laws of trade, as well as the increasing growth of democracy among the people, admonished him that they all required remodelling. By commencing with the most refractory, he gave warning to the others, that he had at last become sensible of the error of his past inconsistencies, and was resolved on vigorous conduct for the future. He died before he could put any of his plans into execution, and the task devolved upon his brother, James II.

The first measure of the new Monarch was to make a temporary provision for the government of Massachusetts, in order to give him time to mature and arrange the details of a comprehensive system of colonial policy. His very name inspired terror and dislike into the minds of the Nonconformists. Their fears derived additional intensity from a rumour that reached them, that the noted and detestable Colonel Kirke was to be imposed upon them as Governor. To receive a stranger at all in that capacity from the hands of others, when they had been in the habit of filling the office by election themselves, was an intolerable grievance; but to submit to a man who was only known for his atrocious butcheries required a Christian meekness, for which they could find neither example nor authority in Puritanism.

Kirke was a soldier of fortune, who had long served at Tangiers, and had contracted, from his intercourse with the Moors, a taste for executions that astonished and alarmed the inhabitants of England. After the defeat of Monmouth, he gratified his appetite for blood at the expense of the unfortunate and misguided prisoners. At his first entry into Bridgewater, he hanged nineteen prisoners without the least inquiry into the merits of their case. As if to make sport with death, he ordered a certain number to be executed, while he and his company should drink to the health of

the King, or the Queen, or that of the Chief Justice Jeffries. Observing their feet to quiver in the agonies of death, he said he would give them music to their dancing, and immediately ordered the drums to beat, and the trumpets to sound. By way of experiment, he ordered one man to be hung up three times, questioning him at each interval, whether he repented of his crime; but the prisoner obstinately asserting, that notwithstanding the past, he still would willingly engage in the same cause, Kirke ordered him to be hung in chains. All the inhabitants of the adjoining country, innocent as well as guilty, were exposed to the ravages of this barbarian. The soldiery were let loose to live at free quarters; and his own regiment, instructed by his example, distinguished themselves in a particular manner by their outrages. By way of pleasantry, he used to call them his *lambs*, an appellation which was long remembered with horror in the west of England.*

It was some consolation to them to find that instead of this monster, Mr. Dudley, a native of the colony, who, though now unpopular, had once enjoyed the confidence of the people, and served as their agent in England, had been appointed President, and several members of the Upper

* These particulars are extracted from Hume.

House as councillors. This act relieved their apprehensions, and quieted their fears, but it did not, as it was supposed, win their affection. They were pacified from time to time, but *never conciliated.* They sighed for their past independence, and moaned over their lost republic. They submitted to the English as their masters, but ever evinced a sullen discontent, a refractory stubbornness, and an intractable disposition. Mr. Dudley was strongly urged not to accept the office, for he who receives a delegated commission, and acts upon it, tacitly, but assuredly admits the right of the granter. Even his councillors joined in these expostulations, and the Court made the following protest:

"Gentlemen,

"We have perused what you left with us, as a true copy of his Majesty's commission, showed to us the 17th instant, empowering you for the governing of his Majesty's subjects inhabiting this colony, and other places therein mentioned. You then applied to us, not as a Governor and a Company, but (as you were pleased to term us) some of the principal gentlemen and chief inhabitants of the several towns of Massachusetts; amongst other discourse, saying it concerned us to consider what therein might be thought hard and uneasy. Upon perusal whereof we find as we conceive:

1st. That there is no determinate rule for your administration of justice; and that which is, seems to be too arbitrary. 2nd. That the subjects are abridged of their liberty as Englishmen, both in the matters of legislation, and in laying of taxes; and indeed the whole unquestioned privilege of the subject transferred upon yourselves, there not being the least mention of an assembly in the commission, and therefore we think it highly concerns you to consider whether such a commission be safe for you or us; but if you are so satisfied therein as that you hold yourselves obliged thereby, and to take upon you the government of this people, although we cannot give our assent thereto, yet we hope we shall demean ourselves as true and loyal subjects to his Majesty, and humbly make our addresses unto God, and in due time to our gracious Prince, for our relief.

"May 20th, 1686."

It was known that the commission was a temporary expedient to give legal sanction to the proceedings of the Government, until a form of constitution could be agreed upon; but the acceptance of it by Mr. Dudley was considered an act of treachery, if not of treason to his country, and was punished accordingly by the total and irre-

trievable loss of his popularity* and influence, and by the sleepless watchfulness of his offended countrymen, who lost no opportunity during the remainder of his life, either of damaging his reputation, or thwarting his advancement.†

The commission of the President included the Narraganset or King's Province, New Hampshire and Maine, the two last of which had been the subject of much litigation and difficulty for many years. We have already seen how desirous Massachusetts ever was of enlarging her boundaries and of assuming jurisdiction over vacant possessions or feeble neighbours. The territory com-

* An abstract of the Commission may be found in vol. v, Hutch. Col. of Mass., and in Bilknap's History of New Hampshire.

† At a subsequent period, when imprisoned, during the rebellion that preceded the proclamation of William and Mary, there was a strong party for trying and executing him. Fear of consequences alone prevented the people from resorting to these desperate measures. Danforth thus writes to Mather: "Mr. Dudley is in a peculiar manner the object of the people's displeasure, even throughout all the colonies where he sat as judge; they deeply resent his correspondence with that wicked man, Randolph, for overturning the Government. The Governor and Council, though they have done their utmost to procure his enlargement, yet can't prevail: but the people will have him in gaol, and when he hath been by order turned out, by force and tumult they fetch him in again," &c.—*Hutchinson*, vol. i.

prised within what now forms the States of New Hampshire and Maine, offered too great a temptation to her cupidity to be resisted; and I have reserved to this place an account of her aggression at different times to avoid repeated references, and to preserve the continuity of the narrative. The first was granted as early as 1635 to Captain Mason, and the latter to Sir Ferdinando Georges, who severally formed small settlements in them, that derived subsistence from the soil, and some little profit from the fisheries and free-trade. Ten years afterwards, some persons who had adopted heretical opinions, and rendered themselves obnoxious to the Government of Massachusetts, removed, either under the pretence, or in open contempt of grants of the proprietors, to the banks of the river that divided the two provinces, and associated themselves, as it was then called, by entering into a mutual compact for self-government.

Although differing in many points of doctrine from their friends at Boston, they were united by the common ties of descent and interest. Their more powerful neighbour and parent state, by claims of jurisdiction which they were unable to resist, or promises of protection from the Indians, of which they stood greatly in need, prevailed upon them to place themselves under her control, and by degrees they became both merged in the

ambitious and growing little republic. Charles II. strove in vain to reinvest the heirs of the grantees with the possession. The rule of the "old colony" was more congenial to the feelings of the people than that of a monarch three thousand miles off, who had as little interest in their affairs as power to enforce his authority. The Commissioners to whom I have referred, re-established in 1665 the government of Mason and Georges, but they had no sooner departed for Europe than the General Court invaded the territory, and by force of arms resumed their former jurisdiction. Irritated at this open defiance, Charles II. threatened to restrain their commerce, and they finally yielded to menace, which they knew he could execute, what they denied to demands unsupported by a military force on the spot. After a vexatious and expensive litigation, the claim of the plaintiffs was sanctioned by the decision of an English court, and their opponents were compelled to confine themselves within their original limits.

This investigation brought to light a fact not then generally known, that the proprietors of New Hampshire were entitled to the soil alone under the patent to their ancestor, while the heirs of Sir Ferdinando Georges had a right both to the country and the Government. In consequence of this discovery the King was desirous of purchasing Maine for his son, the Duke of Monmouth; but

while he was in treaty for it, Massachusetts, informed of his intention by the clerks in the public offices, whom they kept in their pay, and having the requisite means at their command, bought it from the owners, whose title had been established by a legal decision. The remonstrance of the Sovereign was as unavailing as all his other expostulations and threats. They entered into immediate possession, and governed it by officers of their own as a "Colony from the Mother Province."

Disappointed in obtaining Maine, the King attempted in 1679 to found "a Royal Province in New Hampshire," and appointed a Governor, whom he invested with the requisite powers, but he found it easier to grant a commission than to enforce obedience to it. This was the first constitution of the kind in New England. It contained more essential freedom, though less independence, than the republic of Massachusetts. It consisted of a President and Council, and a House of Assembly, and secured a reservation of the King's negative. The upper house was made a court of record for the trial of all causes whether civil or military, subject to an appeal in all matters above fifty pounds, and was empowered to appoint officers, and take efficient measures for the defence of the country. Liberty of conscience was allowed to all Protestants, but the Church of England was

especially to be encouraged. Upon this Belknass, in his "History of New Hampshire" (a work written in an able and impartial manner, and in a very agreeable style) remarks, "had such a simple form of government been more generally adopted, and perseveringly adhered to, and administered only by the most delicate hands, it might have served better than any other to perpetuate the dependence of the colonies on the British Crown."

The first act of the Legislature plainly disclosed the overpowering influence of Massachusetts, derived from a congeniality of religious and political opinions. They commenced their labours by an assertion of right "that no act, imposition, law, or ordinance, shall be valid, unless made by the Assembly, and approved by the people." The experiment, as might have been expected, proved abortive. The fanatical preachers, goaded on by their brethren in New England, urged the people first to passive resistance, and then to armed rebellion; and although the President was able to withstand the first outbreak, he found it necessary to fly for his life from the second. When surrendering his commission, he observed that "while the clergy are allowed to preach to a mutinous people, no true allegiance would be found there. On my retirement, the world will see that it is the royal commission they cavil at, and not my person; and

time will show that no one will be accepted by them who puts the King's commands into execution."

The succeeding Governor endured the same insults, and encountered the same defiance, and added his testimony to that of his predecessor, "Unless these factious preachers are turned out of the colony, there will be disquiets here, as no Pope ever acted with greater arrogance; and without some force to keep this people under, it will be very difficult, if not an impossible thing, to put into execution his Majesty's orders, or the laws of trade."

Warned by these failures, both these districts were now comprehended in the temporary commission of President Dudley, and long after remained united with Massachusetts. Such, however, are the uncertainties which attend human schemes, that now that the Charter was forfeited, the leaders in these intrigues were mortified to find that they had, by their own usurpations and acts, enlarged the limits of a royal colony. The inhabitants of both dependencies were no less humiliated by the reflection, that by lending themselves to a fraud on individual rights, and regal authority, they had lost the benefit of a local government, while they were too poor and too few in number to have either weight or influence in the one they had struggled to establish. Instead

of vanquishing the King, they had injured their own cause; and while they were congratulating themselves on the success of their efforts, they made the unwelcome discovery that victory is sometimes more ruinous than defeat.

The administration of Dudley was of short duration. It was not probable, it was ever in the contemplation of James to continue him for any length of time in his office. He was a colonist, and would have been both unfit and unwilling to have become the instrument of his arbitrary measures. It was manifest that he considered it but a temporary arrangement himself. As far as possible, he suffered the old order of things to continue: although in obedience to his commission the House of Representatives was laid aside, the magistrates and select men discharged their several duties as heretofore; and as little was done by him as was compatible with the exigencies of the country. He was long enough in office, however, thoroughly to dissatisfy both the King and the people. He had not exerted himself in a manner that was agreeable to his royal master in giving effect to the laws of trade, nor had he enforced that prompt obedience to his orders which was expected of him. On the other hand, he had done too much to render himself popular with the people. He was not elected by them, and they regarded him as an usurper. He was a native,

and his acceptance of office under a tyrant was viewed as the act of a traitor. He had subverted their constitution which, by the law of the land, was a capital offence; and if they had had the power, the inclination was not wanting to have made him undergo the extreme penalty.

Such is ever the fate of undecided measures, and of attempts to conciliate the regard of two irreconcilable parties. Each thinks that too much has been sacrificed to the other, and both complain that too little deference has been paid to their respective claims or wishes, while the unsuccessful politician has seldom the approbation of his own conscience to sustain him in his miscarriage.

"I warned thee," said one of the preachers to Dudley, with that mixture of cant and insolence that always rendered them so intolerable,* "I

* The character of the people is not to be sought for in the history of the colony only, for their public affairs were managed by men of education and experience, but recourse must be had to their correspondence among themselves, and to documents that have merely a local bearing. The primitive manners of the inhabitants of the rural districts may be judged of by the following letter of Captain Chudworth to the Governor of New Plymouth, declining a military command:

"Much honoured,

"My service and due respect being presented, yours of the 19th December, 1673, came to my hands the last day

warned thee to be watchful, and strengthen the things that remain that are ready to die, but thou

of that month, wherein your honour acquainted me that the General Court, by a clear vote, have pitched upon myself to command an hundred men, in joining with the rest, in prosecuting the expedition against the Dutch. The estate and condition of my family is such as will not admit of such a thing, being such as can be hardly paralleled, which was well known unto some; but it was not well nor friendly done as to me, nor faithful as to the country, if they did not lay my condition before the Court. My wife, as is well known to the whole town, is not only a weak woman, and has been so all along; but now, by reason of age, being sixty-seven years and upwards, and nature decaying, so her illness grows more strongly upon her; never a day passes but she is forced to rise at break of day or before. She cannot lay for want of breath; and when she is up, she cannot light a pipe of tobacco, but it must be lighted for her; and until she has taken two or three pipes, for want of breath, she is not able to stir, and she has never a maid. That day your letter came to my hands, my maid's year being out, she went away, and I cannot get nor hear of another. And then in regard for my occasion abroad, for the tending and looking after all my creatures, the fetching home my hay that is yet at the place where it grew, getting of wood, going to mill, and for the performing all other family occasions, I have none but a small Indian boy about thirteen years of age to help me.

"Your humble servant,

"JAMES CHUDWORTH.

"To the much honoured Joseph Winslow,
"Governôr of New Plymouth,
"Situate the 16th of January, 1673."

wouldst not; and now because thou art lukewarm, and neither hot nor cold, I will spew thee out of my mouth."

During his short administration, he discovered that temporary popularity may be acquired by an affability of manner, or the arts of intrigue; but that character has no sure and solid foundation, but in honesty of purpose, and vigour of conduct. It was a valuable lesson; and in after days, he had a conspicuous opportunity, as we shall see, to practise successfully what he had so dearly acquired.

CHAPER II.

Arrival of Sir Edmund Andross—Fears entertained of the King—His conduct towards New York—His opinions of popular assemblies—Commission to Andross—Two companies of soldiers sent to Boston—Law relative to marriages—Manner of imposing taxes—Punishment of those who refuse to pay rates—Episcopal Clergymen prevented by the mob from reading the burial service—Preachers attack the Governor for his toleration, and justify compulsory conformity—Arbitrary conduct of Andross relative to titles of land—Rhode Island, Connecticut, New York, and New Jersey united to Massachusetts—News of the arrival of the Prince of Orange in England—False rumours spread of a general massacre—Insurrection—Capture and imprisonment of the Governor and his Councillors—Conduct of the Magistrates who resumed the old Government—Sir Edmund escapes, is retaken and sent to England when he is released—Example of Massachusetts followed by the other colonies—Bad effects of so many political changes in England—Remarks on the appointment of Andross to be Governor of Virginia.

At length, Sir Edmund Andross arrived at Boston on the 20th of December, 1686, with a

commission for the Government of New England. This was the first direct administration by a stranger of the internal affairs of the colony, and the first specimen the people had of the reckless manner in which royal patronage was bestowed, and the arrogance, insolence, and oppressions of irresponsible officials. His conduct increased and justified the universal discontent. It did not alienate the affections of the inhabitants, for they were already irretrievably estranged, but it strengthened their conviction that England's domination was incompatible with their happiness, as it was with their freedom.

He had been Governor of New York, and had also directed the affairs of Rhode Island; and therefore was supposed to be well acquainted with the character of the people over whom he was placed. He was a military man of some reputation, and having been accustomed to obey, as well as to command, was well suited to carry out the order of James, who was prompt even to precipitation in action.

The new Monarch had been more conversant with colonization and commercial affairs than his predecessor;* and commenced with vigour and

* Hume says that his application to naval affairs was successful, his encouragement of trade judicious, and his jealousy of national honour laudable. Hersault, in his History of France (vol. II, p. 200) says, the public are

ardour the difficult task of reducing the plantations to order, and to a more immediate dependence on the Crown. As to the means, as had been predicted by those who best knew his temper and principles, he was not at all scrupulous. As Duke of York, and proprietor of the immense colony that bore his name, he had three years before conceded to it a free and liberal constitution, and guaranteed to the people universal toleration, trial by jury, and exemption from all imposts, but such as their representatives should approve, and relinquished the right to quarter troops on the inhabitants, or to declare martial law. He no sooner ascended the throne than he annulled his own acts, taxes were levied by ordinance, titles to land were questioned, to augment fees and emoluments; and of those persons who remonstrated, not a few were arraigned, and tried before his Council.

From a Monarch who had so early distinguished himself for inconsistencies, there was little to be hoped. Although warned by his legal advisers, that the colonists, notwithstanding their Charters were vacated, were British subjects, and as such entitled to all their rights and privileges, like all the Stuarts, he thought his prerogative was sufficient for his purpose, without the aid of

indebted to this Prince, when Duke of York, for the contrivance of signals, by means of flags and streamers.

Parliament to make laws or impose duties. His instructions to Andross were as contradictory as his own character—at once mild and severe, considerate and tyrannical. "I cannot but suspect," he says, in a communication to him relative to a representative body, "that assemblies would be of dangerous consequence, nothing being more known than their aptness to assume to themselves many privileges which prove destructive to, or very often disturb the peace of Government when they are allowed. Neither do I see any use for them. Things that need redress may be sure of finding it at the quarter sessions, or by the legal and ordinary ways, or lastly by appeals to myself. However, I shall be ready to consider of any proposal you shall send."

We have seen that Mr. Dudley's commission extended over New Hampshire and Maine. That of Andross included them likewise. The King invested him and his council with supreme jurisdiction, and empowered them to make laws, and execute them; to impose taxes, and enforce their collection: and to support the vigour of the administration, two companies of soldiers were sent to Boston, and placed at his disposal. As soon as he had surveyed the field before him, he set himself industriously to work to subvert every democratic institution in the country, and to devise means to raise a revenue by pursuing the

same course that had been adopted in New York, and by inventing subtle excuses for forfeiting real estate. It was not long before the case of some, who apprehended themselves to be oppressed, came under consideration, when they were told that they had no more privileges left them than not to be sold as slaves; and that the benefit of the law of England did not follow them to the end of the earth, which they soon found to be true, although their distance did not exempt them from its penalties.* The alarm caused by this speech was deeply felt and resented by the whole country. It was never forgotten. It was handed down from father to son in Massachusetts, and the vows of vengeance then recorded, though long deferred, were remembered and fulfilled at last in the defeat and slaughter of the royalists at the revolution.

One of his first acts was to alter the law relative to the solemnization of marriages. Among the numerous innovations of the Puritans on the usages of their ancestors, was one to render marriage a mere civil contract, and to require only the admission and consent of the parties to be made before and registered by a magistrate. As there was but one Episcopal clergyman in the colony at the time, a transfer of this duty to the Church could not well be effected, but it was ordered for

* Minot.

the present that none should marry unless they entered into bonds with surety to the Governor, subject to forfeiture if it should afterwards appear that there existed any lawful impediment. For this licence a liberal fee was exacted as a matter of course. The Governor, being also ordinary, assumed as such the whole business of the local courts, and compelled the people of the rural districts to attend at Boston, at great inconvenience, for the probate of wills, or letters of administration; and exacted whatever charges he thought the estate able to bear. He imposed what rates he thought proper, with no other sanction than that of a few complaisant councillors, although his enemies admit that the sum thus raised was small in amount, and required and spent for the public service. The principal one was a charge of one penny in the pound, and a poll-tax of twenty-pence. Direct assessment is always odious. It brings the collector and rate-payer in immediate contact, and the unpopularity of the measure is often increased by the severity or assumption of the officer.

In a new country, though the necessaries of life are abundant, there is always a scarcity of money, and compulsory contributions to the State are paid with the utmost reluctance. Where the authority to levy the tax is questioned, resistance is the natural result. Upon one occasion, when

the inhabitants of Ipswich refused to assess upon themselves the proportion assigned to the township, and the select men voted, "that, inasmuch as it is against the privilege of British subjects to have money raised without their own consent, in a Legislature or Parliament, therefore they will petition the King for liberty of an Assembly before making any rates," he imprisoned two of the most conspicuous of the remonstrants, and fined the others severally thirty, forty, and fifty pounds, according to their circumstances or ability. When they complained of this harsh treatment, he took some pains to trace and collect the numerous precedents set him by his predecessors, for this apparently extraordinary act of tyranny, and with more sarcasm than policy, asked them if they would like to have other similar usages of their forefathers restored. The General Court, he observed, always prosecuted a man for appealing to England, because it was subversive of their chartered rights, and if his petition contained complaints also, he was subjected to an additional penalty for slandering the brethren, but that he had punished them for disobedience in refusing to pay their taxes, and for nothing else, for as long as they continued to obey the law, they were at perfect liberty to memorialize the King as much and as often as they pleased. The truth of this

remark was so apparent, and so conclusive, that it was felt more than the punishment.

To his astonishment, he discovered that with all their boasted love of liberty, the Puritans had reserved this inestimable blessing exclusively for themselves, and he soon found it necessary to continue and preserve another of their institutions, the censorship of the press. But his departure from the fundamental principle of the republic, which required "Church membership" as a qualification for civil rights, shocked their prejudices more than can be conceived, by a person not conversant with the history of these early times. Although they had themselves affected to concede toleration, they had never practically acted upon their professions, nor had it ever been their intention to do so. So far from considering the liberty of conscience, which the Governor had granted to all, as an act of grace, they loudly complained of it as an open attack, and a direct persecution of themselves. They regarded it as the triumph of Antichrist, and considered that the blessing of God would be withdrawn from a country which admitted the presence of clergymen ordained by a bishop, instead of the more inspired because more ignorant, and more pious because more assuming, lay brethren. It was in vain that they had aided the secretaries in England to sacrifice

Laud, and to dethrone and slaughter their Sovereign, if prelacy was to be permitted to have the slightest footing in America; reason and Scripture alike led to the conclusion, that they who require to be taught are the best able to judge of the qualifications and attainments of the teacher, and therefore most competent to invest him with the character and office. So rigidly had the exclusion of Episcopalians been enforced, that when the Royal Commissioners were at Boston, there were not enough of them in the place to form a congregation. We are informed on authority that cannot be doubted, "that most of the inhabitants who were on the stage in 1686 had never seen a Church of England Assembly." In that year there was but one churchman* in the Government, and one Captain, and three subalterns professing Church principles in the whole militia of the province.

Such being the case, the astonishment of the people was only equalled by their indignation at a wanton outrage on private property. Soon after his arrival Andross caused Divine Service to be celebrated by his chaplain, in the South Meeting-House. In vain was the building claimed by its owners. In vain the sexton refused to ring the

* There had been two, but at the date of Randolph's letter to the Archbishop of Canterbury (1685), the other had gone to England.

bell. No tenderness was exhibited similar to that of the commissioners twenty years before. The clergyman came forth attired in the surplice, the very name of which was an abomination to them, The foundation of an Episcopal church was soon after laid, and those who had been heretofore taxed for the support of Puritan preaching, and compelled to contribute to their conventicles, now took a malicious pleasure in soliciting their old oppressors for subscriptions, to build up what they called a house for the true worship of God.

This toleration, thus rendered doubly distasteful, was not very easily enforced. Although the people had not the power, through their representatives, to repeal the law or prevent its execution, they had the means of insult, and the opposition and the tyranny of a majority to back them. Upon one of the first occasions, under this edict, that a clergyman in Boston, proceeded in his vestments to the graveyard, to read the burial-service, a crowd of persons led on by an infuriated deacon, drove him from the grave, and loaded him with insult and abuse, calling him "Baal's priest," and his prayers, "leeks, garlic, and Popish trash." Prompt and decisive measures on the part of the Governor prevented a repetition of such disgraceful scenes.

This liberty was not merely deplored by them as a spiritual loss, but was sensibly felt in a

pecuniary point of view. Although they withheld all civil rights from those who were not Congregationalists, they did not exempt them from taxation for the support of their own preachers. "Discouragements upon the hearts of the ministers increase," writes a correspondent of Mather's, "by reason that a licentious people take advantage of a freedom to withhold maintenance from them." His deputies in distant parts of his jurisdiction, and their subordinate officers still enforced these rates where they could do so with safety, and the practice was not finally discontinued, until Andross threatened them if they persisted in assessing Quakers and others for that purpose, he would in like manner, make them contribute to the support of the Episcopal Church. To his Lieutenant Governor at Plymouth he expostulated on this subject, in a letter still extant, which reflects great credit on his judgment and firmness, and showed that in some instances at least, he was capable of impartiality.*

* "Some years before Andross's Act of Toleration, one Briscoe, a tanner of Watertown, published a book against the support of ministers by tithes or taxes, and reproached those who received their salary from such a source. The ministers thought a man who denied the authority of the civil magistrate to provide for the support of pastors, *fuste potius erudiendum quam argumento*, and therefore they left it to the magistrates to defend the cause, who con-

That James was disposed to carry things with a high hand, where obedience was either reluctant or withheld, that his commission for the Government of the colony was illegal, and that his representative was willing to proceed to any length he was desired to go, was so palpable to all, that it is no wonder if the copious vocabulary of abuse which Puritanism had at its command, was exhausted before they expressed all their hatred of Andross and his council. His general conduct was haughty and capricious. Many of his acts were arbitrary, and some oppressive; but there is one to which I shall presently allude, which was well calculated to excite both their indignation and alarm. And yet it is doubtful whether the loss of legislative power, illegal exactions, or personal injuries, touched them so sensibly as toleration. It was mourned over in private, and preached against in public. One minister in particular, has obtained an imperishable name for his manly patriotism in selecting for his text the following words: "Ye have not yet resisted *unto blood*, striving against sin." The clergy everywhere justified that compulsory conformity, which in England they resisted to the death. "Be pleased," says one of their most eminent divines, "to

vened the tanner before them, and brought him to an acknowledgment, if not to a sense of his error."—*Hubbard.*

consider this point a little further. You think to compel a man, in matters of worship, is to make him sin according to Rom. xiv, 23. If the worship be lawful in itself, the magistrate compelling him to come to it, compelleth him not to sin, but the sin is in his will that need to be compelled to a Christian duty. Josiah compelled all Israel to serve the Lord their God, (II. Chron. xxxiii, 34). Yet his act herein was not blamed, but recorded among his virtuous actions. The Lord keep us," he says, "from this harlot's cup of toleration, lest while we seem to reject with open face of profession, we bring her in by a back door, and so come to drink of the cup of the Lord's wrath and be filled with her plagues."

How inconsistent is man, and how easily does he enlist his reason on the side of his wishes or his passions! What rendered the conduct of the Governor still more irritating was, that he not only placed the clergymen of the Church of England practically on a footing with the Puritan ministers but that in his private intercourse he treated them with much greater respect. Hutchinson informs us, with infinite *naïveté*, that "Sir Edmund actually asserted that he considered the preachers as mere laymen;" and records this with as great gravity as if he had never heard of such an idea before, and believed Andross to be the only man in the world that entertained it. It was a remark

that was treasured up in the heart and embalmed in its bitterness.

Swearing on the Book, as it is called, was introduced into the courts of justice, to the horror and disgust of the inhabitants. But the most flagrant and indefensible act of Andross's short administration was among his last. By the ingenuity of a lawyer, he found a prolific source of emolument, in a forced application of a feudal principle to the titles of land. The people were informed that the Charter having been granted on conditions which had not been performed, all acts under it were rendered invalid, and the soil reverted to the Crown; and that if a more indulgent construction were adopted, still their grants were not under seal, a defect which no length of time, and no amount of improvement, could rectify. They were, however, very considerately informed, that upon due acknowledgment of the insufficiency of their conveyances, and a humble petition, new patents should be executed for granting them possessions on such moderate terms, as his Excellency should approve. With respect to their deeds from the Indian chiefs, it was observed that the signature of a savage was about as valuable as "a scratch of a bear's paw." In fact, he became the vendor of every man's estate at his own price, for the conciliation fee was always in proportion to its value and extent.

To exhibit to the people the necessity, as well as the policy of renewing their titles, writs of intrusion were issued against some of the principal inhabitants, which had the effect of terrifying others into obedience. To prevent the spread of sedition, he forbade all town meetings, except for the choice of officers, and prohibited any one from leaving the province without a pass from himself. In the meantime, while his orders in Massachusetts were left to be enforced by his subordinates, he proceeded to demand submission of the other New England colonies. He first visited Rhode Island, which, upon a *Quo Warranto* issued against her, declined to enter into a contest with the King, but appealed to his kindness. Having dissolved the Government, and broken its seal, he appointed five of the principal magistrates members of his council, and issued commissions to all the local officers. Shortly afterwards, he made an excursion into Connecticut attended by several of his assistants, and a guard of honour, consisting of sixty men, and demanded its Charter. The Assembly, which was then in session, reluctant to surrender or even produce it, kept the subject in debate and suspense until the evening, when it was brought forward, and laid on the table. By a preconcerted arrangement, the lights were suddenly extinguished, but without the slightest appearance of riot or disorder: when they were

replaced, it was found (amid the well-feigned astonishment of all present) that the patent was gone. Sir Edmund now assumed the Government, appointed his councillors, and closed the records of the colony, adding with his own hand the word "finis."*

As consolidation appeared to be the principle on which James designed to act in America, this immense Government, extending from the Hudson to Maine, was now still further augmented by the addition of the provinces of New York and New

* "Captain Wadsworth, of Hartford, silently carried off the Charter, and secreted it in a hollow tree, which, to this day, is regarded with veneration, as the preserver of the constitution of the colony. This oak stood in front of the house of the Honourable Samuel Wyllys, then one of the magistrates of the province. It still remains within the enclosure of the old family mansion, and is in little danger of injury, except from time, while under the auspicious care of his descendants. In reply to an inquiry concerning it, I was informed 'that venerable tree, which concealed the Charter of our rights, stands at the foot of Wyllys Hill. The first inhabitant of that name found it standing in the height of its glory. Age seems to have curtailed its branches, yet it is not exceeded in the depth of its colouring, or richness of its foliage. The trunk measures twenty-one feet in circumference, and near seven in diameter. The cavity which was the asylum of our Charter, was near the roots, and large enough to admit a child. Within the space of eight years that hollow has closed, as if it had fulfilled the Divine purpose for which it had been reared.'"—*Home's Annals*, vol. I, p. 470, *in note*.

Jersey; and a commission was sent to Andross, appointing him Captain-General and Vice-Admiral over the whole territory. The constitution established for it was a governor and council, having executive and legislative authority, independent of the expression of popular opinion.

The progress of events, however, in Europe was working out a deliverance for the oppressed colonists of Massachusetts. During the spring of 1688, there was a rumour that the Prince of Orange was preparing to make a descent upon the coast of England, and shortly afterwards a Mr. Winslow brought a copy of his proclamation. He was immediately apprehended, for introducing "a traitorous and treasonable libel into the country," and bail, which was tendered to the amount of two thousand pounds, was refused. The old magistrates, and influential colonists, silently wished, and secretly prayed for success to the glorious undertaking; and determined either quietly to await the event, or privately to urge on the inhabitants to rebellion. The body of the people, who are easily excited, goaded to madness by the innovations with which they were acquainted, and the rumours of still greater changes that were in contemplation by the Governor, whom they accused of being a Papist, were impatient of delay, and resolved to get up a little revolution of their own. Whether Andross was a Romanist, or a Church-

man, cannot now be well ascertained, the best historians of that period differing in opinion on the subject; and the fact was a matter of little consequence, for in their eyes there was little difference between the two; and it was currently reported that he had asserted, he considered, as an Episcopalian, the practice of laymen ordaining clergymen, and setting them apart to administer the Sacraments, without any warrant from Scripture, as a most gross piece of presumption. Whether the Puritans, many of whose ancestors came from Holland, to which they had fled for refuge, thought that the congeniality of Dutch Protestantism with the tenets of the Nonconformists of England, would, by its popularity, prove too strong for the idolatrous King, or whether they believed, as they maintained, that they were the chosen people of the Lord, they arrived at the conclusion that they had a despot in the land; and that the only law they recognised, that of the Bible, required that he should be dealt with. To raise the popular fury to its greatest height, the people were told that it was the intention of the Governor, in obedience to orders he had received, to take a favourable opportunity of falling upon the inhabitants of Boston with his garrison, and putting them all to death indiscriminately, in the same manner that the Huguenots had been exterminated in France. To aid this fearful act

of slaughter, it was said that he had armed the savages, and kept them in pay to devastate the frontiers, and murder the settlers; and that it was arranged that the French were to invade the country at the same time, and, as soon as it was depopulated, take possession of it, having secretly purchased it from the King of England.

Some of their grievances they knew to be real, for they had felt their effects; and believing both James and his representative to be capable of any act of despotism, no falsehood was too gross for their credulity. Without stopping to inquire into the probability, or even the possibility of a rumour being true, it was a sufficient guarantee for its accuracy if it were marvellous and atrocious. The absurd story of two companies of soldiers putting a numerous, hardy, and brave population like that of Boston to the sword, answered the purpose, as well as any other invention, and the rage of the multitude knew no bounds. They rose *en masse*. Who originated this movement, and organised the people, is not now known, though Bancroft claims the merit of it, and probably with sufficient reason, for the ministers; but that it was not, as they represented it to be, an irresistible burst of popular feeling is manifest from the cautious mode of their procedure. Men, who were more in the habit of quoting Scripture than acting under its benign influence, were at no loss to find passages to justify

to their passions that which reason could not approve. Every text that sanctioned rebellion was familiar to the saints, while those that enforced obedience to authority were satisfactorily explained to refer to the support of a true Church like that of the Congregationalists, and a perfect civil constitution like that of their beloved and lamented republic. They were therefore informed, and believed it was the bidding of the Lord: "Smite Ammon, then kill him," said the canting demagogues; "fear not, have I not commanded you? be courageous, and be valiant." They were equally happy in their allusion to his fort. "Thy pride hath deceived thee, oh thou that dwellest in the cleft of the rock, that holdest the heights of the hill: though thou shouldest make thy nest as high as the eagle, I will bring thee down from thence, said the Lord."

Their first step, as a strategic measure, was to avail themselves of a favourable opportunity, afforded by a visit for recreation or business, to secure the Captain, several of the officers, and the boat's crew of the 'Rose' frigate, then riding at anchor in the harbour. The second was a sudden and simultaneous rush of the whole population to the fort, where the Governor and his party were surprised, and made prisoners.

In the meantime, the guns in the battery were brought to bear on the frigate, and others were

taken on board of such vessels as were within range, so that at a preconcerted signal she could be disabled, or sunk by one general discharge of them all. The Lieutenant, who appears to have been a man of courage and conduct, at last surrendered, on condition of retaining possession of his ship, but unbending his sails, and sending them ashore. The magistrates then made their appearance, and with their usual caution interfered, with the benevolent intention, as they said, of saving the Governor from popular fury, the existence and intensity of which, from their retired habits, was until then wholly unknown to, and deeply regretted by them. So general, however, was the excitement, and so universal the defection, that a large portion of the crowd consisted of boys; and at the head of the magistrates, was a retired Governor of eighty-seven years of age. Even women participated in the universal enthusiasm, and joined the elders in exhorting the thoughtless multitude to remember that "Samuel hewed Agag in pieces before the Lord in Gilgal." They then aided in raising the favourite war-cry of Cromwell: "To your tents, O, Israel."

It was a hopeless thing for a few men to contend with the whole population of the country, for the alarm-bells had now brought in the inhabitants of the neighbouring townships, and the Governor and his friends surrendered. As soon as he was

in custody, the magistrates assembled to offer him their protection, which they ventured to suggest would be infinitely more efficacious, if he would surrender the government into their hands. They accordingly addressed to him the following extraordinary letter, exculpating themselves from all participation in the rebellion, assuring him and his friends of their personal safety, and extorting an unconditional abdication under pain of popular vengeance:

"At the Town-house in Boston,

"April 18th, 1689.

"Sir,

"Ourselves and others, the inhabitants of this town, and places adjacent, being surprised with the people's sudden taking arms, in the first motion whereof we were wholly ignorant, being driven to it by the present accident, are necessitated to acquaint your Excellency, that for the quieting and securing the people inhabiting this country from their imminent danger, that they in many ways lie open and exposed to, and tendering your own safety, we judge it necessary that you forthwith deliver up the government and fortifications, to be preserved and disposed according to order and direction of the Crown of England, which suddenly is expected to arrive, promising all security from violence to yourself, or any of your gentlemen

or soldiers in person, or estate; otherwise they will, we are assured, endeavour the taking of the fortification by storm, if any opposition be made."

As soon as the request was granted, the justices fulfilled their part of the compact with scrupulous fidelity; and through the aid of iron bars effectually secured Andross from the intrusion or insults of the people, by keeping him in close custody at the fort. A long and elaborate declaration was then made from the Town-hall to the inhabitants, in which the part taken by themselves was justified in a manner to conciliate the Prince of Orange, if he should succeed; or operate as a defence, if the King should unhappily maintain his authority in the realm. The extremity of caution betrays a consciousness of guilt. An able state paper like that carries with it internal proof of previous preparation and study, and leaves no doubt on the mind that the insurrection was meditated and planned, and its justification written before the popular outbreak. It would have been more to their credit, if they had had the firmness to avow what they had the courage to execute; and had pleaded self-preservation as a justification, instead of an asserted regard for the personal safety of a Governor, whose imprisonment would have been a poor atonement for his conduct, and whose safety

would have been too dearly purchased by a falsehood.

Usurpation is at all times a dangerous thing, but when it is the act of a whole people, it is difficult to be dealt with, as there is always a certain degree of impunity in numbers. The magistrates therefore deemed it prudent to procure a written approbation of their conduct from the principal inhabitants, and then assumed the title of "a council for the safety of the people, and conservation of the peace," and filled up the offices vacated by the imprisoned councillors and friends of the Governor. A convention of delegates was also called from the several townships, sixty-six of whom assembled at Boston, and requested the board to continue in office until a general election should take place. As soon as a House of Representatives was chosen, the members induced the council to re-establish the old order of things, until a new Charter should be procured, or another form of Government be settled for them in England.

While the attention of the magistrates was directed to their own safety, that of the Governor was not so well attended to, and he managed to effect his escape. The regicides were men after their own heart, saints and personal friends, and they had professed themselves unable to trace them to their place of concealment. Hatred, however, is

a more active principle than duty. Sir Edmund was a Churchman or, something worse, the servant of a tyrant; and, what was more to be dreaded, an injured man. No friendly hand was extended to aid, and no hospitable door was opened to receive him. Every inn had its curious questioner, and every village its constable. The manners of a courtier, and the language and accent of fashionable life betrayed him. He had neglected, or was unable to assume, the demure look, nasal drawl, and sleek looks of the Puritan; and when the hue and cry was raised, he was apprehended on suspicion, and detained till identified, when he was escorted back to prison by a party whose numbers showed more respect for his prowess than reliance on their own.

Admonished by this occurrence, they forthwith dispatched him, together with his predecessor, Mr. Dudley, who in the acceptance of office, as has been previously observed, had rendered himself the most unpopular man in the place,* and several other persons to England to take their trial.†

* Bancroft calls him "a degenerate son of New England."

† The inhumanity with which they were treated in prison, appears from their letters to their friends. The ex-President Dudley thus writes: "After twenty weeks' unaccountable imprisonment, and many barbarous usages offered me therein, the last seven weeks of which are upon

The charges against them, however, were not reduced to form, nor duly signed, by the local authority, and they were accordingly released soon after their arrival.

The effect of the revolt was electrical among the other colonies. At Plymouth, as soon as they heard of the insurrection in Boston, the people secured the deputy of Andross, and imprisoned him. The old Pilgrim fathers were now all dead, but they had transmitted their gloomy religion and democratic spirit to their children. They reinstated the Governor, who had been superseded by Sir Edmund, and renewed the constitution, which, more than seventy years before, had been signed on board the 'May Flower.' In Rhode Island they assembled on the day of election in great numbers, and unanimously replaced their old officers, and resumed their former patent. New York underwent a violent change also. One of the lowest of the people, a bankrupt trader, of small capacity, but great boldness, (a class of persons generally

account of your letters to me, I have now to complain that on Monday, the whole day, I could be allowed no victuals till nine of the clock at night, when the keeper's wife offered to kindle her own fire to warm something for me, and the corporal expressly commanded the fire to be put out. I may be easily oppressed to death. God will hear them that complain to Him." The complaints of Mr. Randolph, the dreaded custom-house officer, shows that his treatment was both cruel and indecent.

conspicuous in revolutions) urged the inhabitants to depose the Lieutenant-Governor, and authorise him to assume the administration of affairs until the Prince of Orange should send them one duly commissioned. Maryland ejected its proprietor, Lord Baltimore, and proclaimed William and Mary.

Thus did the revolution extend from Boston to the Chesapeake, and from the Atlantic to the frontiers of the French and the Indians. The dethronement, however, and murder of Charles I., the overthrow of the Protectorate, the Restoration, the fall of James II., and the changes that preceded and followed the arrival of William and Mary, succeeded each other in such rapid succession, that men's minds in all the colonies became unsettled; and from the period of this spontaneous domestic revolution, a marked alteration was perceptible in the tone of feeling throughout all British America. People began to talk and act in a spirit of total independence of England. The power to control was much doubted, and the right utterly denied. Scotch Covenanters, English Independents, and Dissenters of every variety were fast covering the land, and although these fanatics differed more or less on doctrinal points, they all agreed in politics, for they were all republicans.

Shortly after Andross was released, he was appointed Governor of Virginia, as a reward for

exasperating the people of Massachusetts, and exciting them by his illegal conduct and oppressive measures into open rebellion, a precedent, the value of which may be estimated, from the uniformity with which it has been observed from that early date to the present period. Whatever changes may have taken place in other colonial usages, this has been generally adhered to; and from Andross, who caused a revolution in 1688, the effects of which are still felt in North America, to him who recently assented to an act rewarding those who plunged their country into a civil war, imperial honours but too often await the man who signally fails of success in his administration, provided he obeys his orders; while he who preserves prosperity in the province committed to his charge, is as frequently left to enjoy in obscurity the approbation of his own conscience, unless military rank or parliamentary influence are sufficient to supply the want of such a total absence of genius.

CHAPTER III.

Representatives meet at Boston, and induce the Governor and Magistrates to continue in office—King and Queen proclaimed—A general gaol delivery—Orders received from England for the local authorities to retain the Government until further instructions — Anxiety in America as to the convention of Parliament—Doubts of the Tories and scruples of the Prelates—Conduct of the Whigs—Macaulay's definition of the "essence of politics"—The report of the Commons, and the declaration of rights read with great interest by Provincials—Political influence of the commercial party in England —Its conduct towards the plantations—The prerogative described—Its effects in America—Blackstone's definition and Bacon's views of it—Local assemblies imitate the declaration of rights—Cause of the loss of the old colonies.

THE representatives of fifty-four towns met at Boston, on the 22nd of May, and induced the Governor and magistrates, chosen in 1686, to occupy again the position they formerly held according to the rules of their patent; but these

gentlemen qualified their acceptance with a declaration that they did not wish it to be understood they intended to reassume the Charter Government. As soon as this was agreed upon, the "Council of Safety" retired from their provisional office.

During all this time they had neglected to proclaim the King and Queen, being more concerned for their own liberties than those of England. At last they endeavoured to compensate in parade and processions for any deficiency in promptness, and the ceremony took place with more than usual regard to effect. On the accession of Charles II., every person was strictly forbidden, under penalties for disobedience, to drink his health. Wine was now served out to the soldiers, and they were encouraged to vociferate, on the joyful occasion, their benedictions on loyalty in the heart of the little republic. The death of a democratic usurper like Cromwell was no subject for rejoicing, for they were permitted to participate in his oppression. The expulsion of a royal despot like James deserved celebration, for they were the victims of his tyranny.

As soon as a new House assembled, the representatives declared that the Council ought to assume its proper share in the Legislature, according to the Charter, and unless they did so, they should decline to take any part in public affairs.

Being thus compelled to accede to what they so much desired, the restoration was fully effected. The change from the unlimited power of Sir Edmund Andross and four councillors, to the old Government, which had subsisted for such a length of time, was most acceptable to the Provincials; but for want of confirmation from home, it did not acquire that weight and authority that was expected. The General Assembly, however, feeling that it rested on the voice of the people, the only source of power it recognised, entertained no doubts of the legality of its own acts; and directing the Supreme Court to proceed to the trial of several criminals then in gaol, upon their conviction ordered them to be executed. They justified their conduct by saying, that "since the method lieth wholly with the freeholders, the re-establishment of patent privileges was correspondent to the late settlement of affairs in England." Of the petty intrigues of their agent in London, Mr. Mather, relative to the restoration of the old order of things, I shall not stop to give the particulars, as it is beside the object of this inquiry. The General Court, however, prepared an address to the throne, couched in the usual language of flattery, but with their characteristic caution, avoided the admission of imperial authority. In return, they received directions to continue the exercise of those powers of government they had

usurped, and to proceed as they had heretofore done, until time could be afforded for taking the whole subject into consideration.

The period that intervened between the arrival of the Prince of Orange and the settlement of the crown upon him, was one of intense interest and anxiety throughout New England. They were aware that any protracted delay in the proceedings of Parliament, or disagreement between the two branches, or refusal of the Prince to accept the terms on which it should be offered, would inevitably throw the whole kingdom into confusion; and it was just possible royalty might again cease to exist, and dissent be triumphant. As it was anticipated, serious difficulties did arise, which seemed at first almost insurmountable, and we are indebted to the Liberals of that day for a speedy solution of them. The Tories questioned the possibility of an abdication, or of the throne being vacant for a moment, and maintained that if the King's conduct could be considered as a demise, Mary was *ipso facto* Queen. They felt the objection pressing upon them with irresistible force, that if the principles of their opponents were once established, it necessarily followed that the monarchy was elective. The Prelates, besides these questions of law, entertained conscientious difficulties with respect to their oath of allegiance. The Liberals were neither obstructed by the doubts of

the one nor scruples of the other. The former were above their comprehension, the latter beneath their notice. Their idea of the British constitution may be summed up in a few words, "might makes right," a maxim that lies at the root of all monarchical and republican tyranny. When announced by a King like James, these consistent politicians denounced it as despotism; when proclaimed by a Government, founded on popular suffrage, they called it "the voice of the people." When might was deficient, parliamentary skill was recommended. Macaulay, who, from co-operation with them, is familiar with their principles, says *the essence of politics is compromise.*

Modern history may be searched in vain for such an avowal as this, a maxim that substitutes expediency for principle, and party ascendancy for integrity. In this case compromise was not needed; they had the might and they used it. They called up the "spirits of the vasty deep." They sounded the alarm in the city, and summoned their old allies. The conventicles poured out their saints, and the pot-houses their sinners, and a mixed and motley crowd filled and surrounded the Palace Yard, alarmed the friends of order, overawed the timid, and emboldened their party leader to call for a speedy decision.

Such an assemblage had never before been seen in England. Larger and noisier masses, mobs more

excited and bent on mischief, had been known, but such an incongruous and heterogeneous body as this was a new element in the annals of parliamentary legislation. The disgusting mixture of obscene oaths with texts of Scripture, as they alternately proceeded from the thoughtless vagabonds of the town, or canting republicans of the old school, soon convinced, as it was intended they should, a majority of both Houses, that there was no time to lose. "I am instructed," said Lord Lovelace to the Peers, "to present a petition immediately, to proclaim the Prince and Princess of Orange to be King and Queen." When asked by whom he was deputed to do so, he hesitated a while, for he had no such memorial, but "the essence of politics," a slight "compromise" of truth with falsehood, enabled him to answer, "There are no hands to it yet, but when I bring it here next, there shall be hands enough."

This attempt at coercion was indignantly resented, but the party had carried their point, and affected to repress what naturally subsided of itself when not agitated from beneath. This menace of Lord Lovelace, says Macaulay, disgusted his own associates. The promoters of the riots, he calls "the fiercer and lower class of Whigs, the old emissaries of Shaftesbury, the supporters of College." He says the Whigs were even more desirous than the Tories that the deliberations of

the Convention should be perfectly free. A compromise means to yield something, to retain what is left, or to procure an advantage in exchange for one surrendered. True to their principles, they "compromised." They disavowed their agents, in which they exhibited more judgment than gratitude, for in truth they were associates whose support conferred no particular honour upon them; and they claimed, in return, the credit of obtaining by argument, that which they alone owed to compulsion and terror.

This revolution had a surprising effect in America, even more perhaps than in England. The report of the Committee of the House of Commons was read throughout the colonies with the deepest interest. Although it contained recommendations as the ground-work of future legislation, there not being time to mature and pass so many important laws as would be required to give them effect, yet viewed merely as declarations of opinions on subjects of vital interest, the Provincials studied them with the most critical attention. Among other things, it was suggested for future deliberation, that the Judges should hold their places for life; that the mode of selecting juries should be altered in such a manner as to exclude partiality or corruption; that the Court of Chancery should be reformed; that the fees of public functionaries

should be regulated, and that the law of *Quo Warranto* should be amended.

The declaration of right recapitulated the offences and illegal conduct of the King. It stated that he had invaded the province of the Legislature; had treated modest petitioning as a crime; had oppressed the Church by means of an illegal tribunal; had, without the consent of Parliament, levied taxes, and maintained a standing army in time of peace; had violated the freedom of election, and perverted the course of justice. Proceedings which could be questioned only in Parliament had been made the subject of prosecution in the King's Bench; partial and corrupt juries had been returned; excessive bail had been required from prisoners, and disproportioned fines imposed; barbarous and unusual punishments had been inflicted, and the estates of accused persons had been granted away before conviction. Finally, it assumed that he had abdicated the government. It went on to declare that the dispensing power, lately assumed and exercised, had no legal existence; that without grant of Parliament, no money could be exacted by the Sovereign from the subject, and that without the consent of the Legislature, no standing army could be kept up in time of peace. The right of subjects to petition—of electors to choose representatives freely—of

Parliament to freedom of debate—of the nation to a pure and merciful administration of justice, according to the spirit of its own mild laws, was solemnly affirmed. All these things the Convention claimed in the name of the whole nation as its undoubted inheritance.

This declaration did not so much make new laws as clear the old from obscurity. It rendered that certain which illegal practice had involved in doubt. The fundamental principle asserted for the last time, and now for ever established by the Revolution, viz., that no taxes could be levied on the people but by their own consent or that of their representatives, while it secured the liberties of Englishmen, paralyzed the hold of tyranny in the provinces. Truth is eternal and immutable. That which is founded on reason, and the rights of freemen in Britain, cannot be otherwise in America. The doctrine that representation was necessary to legalize taxation had always been held in Massachusetts, and in almost every other colony, from their earliest settlement. Their first resolve and their last declaration were assertions of this natural right, which, though not so boldly maintained, so far as the regulations of the commerce of the empire extended (although this was protested against), was claimed in the fullest and most unlimited manner in their internal affairs.

There was a latent element, however, in this revolution, doomed to exercise in after times a powerful and baneful influence in America. The commercial interest of the kingdom, by its enormous and increasing wealth, emerged from the humble condition it had hitherto occupied, and soon made itself felt and considered, if not respected. An incipient national debt, occasioned by an expenditure that exceeded income, required a loan, and the coffers of the tradesmen were opened to the needy Government, until the creditor was enabled to make his debtor sensible of his dependence. The sea-ports and the manufacturing towns rapidly encroached on the influence of the landed aristocracy, and boldly demanded a portion of power. This new class of aspirants for political influence, with the usual selfishness of trade, nurtured a jealousy of colonial commerce, and subsequently manifested a zeal in restricting it in a manner most beneficial to itself. It affected to see nothing in the transatlantic possessions but a market for English goods. Restriction and monopoly soon engendered a desire for taxation, and that, contrary to their narrow-minded calculations, not only failed in producing a revenue, but, by its ruinous expenses, nearly caused a national bankruptcy. True to their cold and selfish maxims, they regarded their balance-sheet as their only sure guide, which, however accurate it may

be in a counting-house, is worse than useless to a statesman, who knows that it can never represent any theory more than the account of one branch of a vast, complicated, and dependent system, of which figures can convey no adequate idea whatever.

In their policy towards the old provinces, the commercial classes imagined they saw prodigious gain in perspective, and flattered themselves that compression alone was necessary to cause a constant stream of wealth to flow into England. In grasping at the shadow they lost the substance. The same sort of "ready-made" politicians now despondingly announce that they have discovered in their tabular accounts, that the cost of protection exceeds the value of the return, and propose to abandon colonies altogether.

These results of the great Revolution of 1688, were not only not dreaded, but not even suspected at the time on either side of the water. The Provincials, engrossed by its more immediate operation, saw their own emancipation from uncertain authority, and nothing more. The limitation of the prerogative was held by them as equally applicable to the regal power in America. Its exercise had been made even more perplexing and oppressive towards them than towards the English. Theory and practice had hitherto been so much at variance, that they scarcely knew

where it would reach, or what it would subvert. What opinions eminent lawyers held on the subject was of little consequence to them, the practice had ever continued the same; and although Parliament, to make these new restrictions less obnoxious to royalty, asserted that they only declared what the law always had been, it was manifest that if it had been so plain it did not require repetition, and that Westminster Hall was not so unanimous as had been represented. The very word "prerogative" was one of terror, for it was synonymous with a despotic power above the law, making or dispensing with laws at pleasure. Whichever way a colonist turned, he was met by it. It was invisible and intangible, but nevertheless it was omnipotent. It claimed the whole country, the right of taxation, of government, of regulating commerce, controlling the militia, of pressing sailors and billeting troops, of making war and peace, of constituting courts, and administering justice in matters civil, military, or ecclesiastical, of monopolies, of coinage, and in fact, in and over all things. It had a jargon of its own, not very intelligible to the hardy but unlettered fishermen of the sea-coast, or the inhabitants of wigwams made of the bark of trees. When they heard of floatsam, jetsam and ligan, treasure-trove, deodands and waifs, bonavacantia, ne-exeats and monobstantes, and asked what these

mysterious and unpronouncable words meant, they were told they were prerogative rights; and when they demanded what prerogative was, the best informed man could only reply in general terms, that "it is that special pre-eminence which the King hath over and above all other persons, and out of the ordinary course of the common law, in right of his royal dignity. It signifies in its etymology (from præ and rogo) something that is required or demanded, before, or in preference to, all others. And hence it follows, that it must be in its nature singular and eccentrical, that it can only be applied to those rights and capacities, which the King enjoys alone, in contradiction to others, and not to those which he enjoys in common with any of his subjects; for if once any one prerogative of the Crown could be held in common with the subject, it would cease to be prerogative any longer. And therefore Finch lays it down as a maxim, that the prerogative is that law in the case of the King which is law in no case in the subject."

This was the best description Blackstone could give of it at a later period. To a professional man, already practically acquainted with its operation, it may suffice, though not very perspicuous or precise, but ordinary men will rise from its perusal, not much enlightened by the definition of the learned Judge. Lord Bacon, when coloniza

tion was first seriously thought of, instructed James I. in a very explicit manner on this subject. He maintained: 1st. That the King may constrain the person of his subjects not to go out of the realm. 2nd. That he may forbid the exportation of commodities.* 3rd. He may forbid the importation of any commodities into this realm. 4th. He may set a reasonable impost upon any foreign wares that come into the same; and so on native wares that go out of the realm.

The law being thus understood by Crown lawyers, the colonial charters of that reign were drawn in conformity with their opinions. We now perceive the reason why there were inserted in every patent, "a licence to emigrate, a permission to export merchandize, and exemption from impost during a limited term;" and also similar provisions which were framed according to the prevailing notions of the times. "It is curious," says Chalmer, "to remark that it should seem, not only from the passage above cited, but from the argument of Bacon in the House of Commons, in support of the same doctrine, that there once existed in the law of England a principle, perhaps a practice, analogous to the internal and external taxation of the colonial controversy, since he contended that the King might establish an impost on exports

* See Chalmer's Introd. to Hist., p. 3 Notes.

and imports, though he admitted that the prerogative could not impose a domestic tax on lands or on polls." Thus, though the petition of right had determined, with regard to England, the law, against the opinion of Bacon, before recited, Charles I. continued to lay imposts on her dependent territories. The precedent for this had been established in Ireland. After its subjugation by Henry II., it was treated as a colony. The change made in its laws was not effected by any English Parliament, but by the charters of its conqueror, and other subsequent Sovereigns, who considered it a dependent conquered dominion, and, as such, possessed a legislative power over it.*

We have already observed that the repeated changes in the government of England had a very deleterious effect on the plantations. The popular cause in the colonies was always in advance of the parent country; and as soon as the Parliament obtained any new security for liberty, it was seized upon by the local legislature as their joint property, and their outposts were pushed on further into the royal territory. As soon as the report of the committee of the Commons, containing recommendations, reformatory laws, and the declaration

* Black. Com. vol. I, p. 99. Cowper's Reports, p. 210. Prynn. Inst. vol. IV, p. 294.

of rights arrived in America, the Assemblies everywhere passed fundamental laws, asserting their privileges, and what they conceived to be their liberties; and although these were very properly rejected in England, on the ground that it was absurd for such dependent colonies to designate the terms on which they would alone admit their subjection, still they afforded a convincing proof of the growth of democratic principles, and by the discussion to which they led, added life and strength to disaffection, which was now propagated with the utmost zeal by fanatics and demagogues. This encroaching disposition originated in an early and long-continued neglect of the colonies by England. When their importance began to demand attention, it was strengthened by an equally flagrant mismanagement; and when they became populous and obedient, it ripened into rebellion by an unjust and illegal claim of taxation, in the support of which the reasoning of English statesmen afforded topics of ridicule in the town meetings, and the conduct of the troops an easy triumph to the undisciplined levies of the agricultural districts.

It would be unavailing now to blame those who severed the connection, although, if there had been real affection on their part, the separation would not have been final. How much or how little censure they deserve, is not at the present time

the question. What we owe to ourselves is a rigid self-examination. We should not shrink from laying bare our own faults, that we may avoid similar errors in future. If we yielded independence by not retaining sufficient control over the form of their constitutions, let us be more careful of concession. If we interfered with their just rights, let us respect those of the remaining colonists. If we tried responsible government, as we shall presently see we did, denuded the Governor of his power, and invited resistance by our own weakness, let the salutary lesson not be lost upon us. In short, having once made shipwreck, let us survey the coast, and take the bearings of the rocks and shoals, and shape our course accordingly.

It must be admitted, that it is difficult for loyal colonists to look back upon the annals of those revolted provinces, without the deepest regret, and the most humiliating mortification. That the task of reviewing a series of absurd, negligent, and illegal acts of needy governors and ignorant boards of control, all terminating in discreditable miscarriages and defeats, is too painful even to be attempted by English statesmen, is manifest from the fact that it has given neither prudence to their measures, wisdom to their councils, nor vigour to their conduct. When the independence of the old colonies was acknowledged, an im-

mense number of despatches from several Governors were found in the public archives unopened. The pen had been laid aside in despair for the sword, and both were disgraced by imbecility. It is to be feared that the provincial history, every page of which is filled with valuable instruction, has shared the same fate as the official correspondence, and remained unread. A natural or accidental defect of vision is an infirmity well entitled to commiseration, but a statesman who disdains the labour of research, and remains wilfully blind, is a criminal on whom expulsion or censure impose no adequate punishment.

Unhappily merit is not always the passport to office. Party convenience or family interest, parliamentary influence or successful intrigue, too often elevate men to important stations, who, from vanity, ignorance, or want of principle, are utterly unable to discharge their duties. Sad indeed is the condition of a people when such is the temper of those who govern them. This, however, is an evil that no revolution can ever cure; and it would seem to be a law of our nature, that we must depend on the lottery of life for the selection of our rulers. It has indeed become a parliamentary maxim, that Provincials must be content to have their work "coarsely and roughly done;" inasmuch as a colonial minister, who has never crossed the Atlantic, cannot, in the nature of things, be

supposed to know much about the young and vigorous empire committed to his charge. It is difficult to pronounce our opinion on the state of an invalid without visiting him. But when not only the disease, but its seat and its symptoms are differently represented, he who ventures to prescribe is generally found to be bold in proportion to his ignorance.

Empirics invariably proclaim that they have discovered a medicine applicable to all ages and persons, and all cases and diseases. Political jugglers, who, in integrity and knowledge are not inferior to their medical brethren, possess similar powers of invention and deception, and have ever on hand some nostrum of universal application. Of these, the last and most valuable specific for constitutional infirmities, bears the captivating title of "Responsible Government." When the world is overrun with credulity, ought we not to cease to wonder at the number of knaves who gather the harvest? The sanatory state, however, of the colonial empire, fortunately for those entrusted with its care, furnishes abundant material for exculpation. The people will not follow the regimen ordered for them, or previous practitioners have mistaken their complaints. Their constitutions are naturally feeble, or it is an epidemic under which they suffer, that will soon pass away, or there is a complication of disorders—

they are too much reduced for active measures—or their nervous temperament is difficult to manage. But who can doubt that their treatment has been both judicious and successful, when we have been so fortunate as not to have lost one of our numerous dependencies since the great pestilence of 1783, in which no less than thirteen fell victims to the ignorance and neglect of our ancestors. Warned by their failure, we have wisely avoided the route they travelled. Let us be careful that the road we have chosen does not lead to the same termination.

CHAPTER IV.

Effect of toleration on the Ministers — Cotton Mather's attempt to raise a revival of bigotry, by spreading alarm about witches—His books and sermons—Preface by Richard Baxter—Exorcises a child at Boston—Salem delusion—Special Court, its proceedings—Executions—Case of the Rev. Mr. Burrows—Sudden change of public opinion—Mather falls into contempt — Decline of Congregationalism—Arrival of Sir William Phipps with the new Charter.

THE summary manner in which the State prisoners were released on their arrival in England, and the favourable reception Sir Edmund Andross met with from the Court, together with the continued delay their agents experienced in obtaining a renewal of the old, or the issue of a new Charter, filled the people with the greatest anxiety and alarm. Having no representation in Parliament, and neither Court nor party influence in England, beyond the sympathy of the sectaries,

they had everything to fear from royalty, to which they had always manifested a determined opposition, and nothing to hope from Episcopalians, whom they had ever oppressed and persecuted, while the service they claimed to have rendered to the public by enlarging the bounds of the empire, merited and received the answer, that their settlement was undertaken for their own advantage, and not the benefit of the State; and if their endeavours had been successful, they had themselves reaped the reward of their enterprise.

This state of uncertainty as to the form of their future government, weakened the hands of their local authorities, while toleration equally diminished the influence of the ministers. It is not easy for any person, not thoroughly versed in the history of these people, to comprehend the vast extent of power wielded by the clergy during the existence of the first Charter. They were not only councillors by an unwritten law, but also the authors of State papers, often employed on embassies abroad, and at home speakers at elections and in town meetings. "New England," says Cotton Mather, "being a country where interests are remarkably enwrapped in ecclesiastical circumstances, ministers ought to concern themselves in politics." They were invested with civil and spiritual authority; there was no escape from their grasp, and never could have been, had it not been

for the toleration granted, or rather forced upon the people, by the Church of England. Religious liberty struck at the very foundation of their power, for emancipation of the mind and freedom of action are inseparable. We have seen that the Puritans, in flying to the wilderness to obtain exemption from ecclesiastical control, with singular inconsistency, claimed that privilege exclusively for themselves, making church membership the qualification for the right of citizenship. To uphold this spiritual domination, the aid of the civil power was called, in return for which assistance the clergy lent their powerful support to the Government. By their united efforts, all dissent was banished or extirpated from the colony, and at the time that they were inveighing against the persecution of the Episcopalians, they themselves made liberal use of mutilation, whipping, banishment, and even the gallows, to preserve conformity.

The moment religion was left unfettered, there was an immediate reaction in public feeling. Unrestrained liberty as usual produced licentiousness. The people had been governed by their fears, no less than by their affections, and the clergy lost their authority. New sects sprang up, with a zeal and vigour that ever attends novelty; and, as usual when many kinds of dissent are found in the same field, they produced hybrid varieties of the same species in abundance, until the ground was

overrun with their exuberance, and every wholesome and sound plant was smothered by their rapid growth and coarse foliage.

The ministry felt it to be their duty, as they knew it was their interest, to recal men's minds from these numerous errors. The difficulty of the attempt lay in the selection of the means. After cool reason, and exciting declamation had been severally tried and failed, recourse was had to superstition. The Puritans had ever esteemed themselves a chosen people, and were fond of comparing New England with Canaan, of tracing a resemblance in their flight to the wilderness to that of the Israelites, and of assimilating their laws to the Mosaic Code. In every piece of good fortune they saw an especial answer to their prayers, and in every mortification and calamity the direct personal malice of the Devil and his agents. This vanity and credulity their preachers had always encouraged, as their own influence necessarily kept pace with the superstition of the people. They now fell back upon it as their last resource to check the inevitable consequences of the late act of toleration.

Among this numerous and powerful class, there was one man, Dr. Cotton Mather, admirably well qualified to preach up a crusade. He was more distinguished for subtle reasoning, and a deep knowledge of human nature, than any of his con-

temporaries, and was less obstructed by scruples, or restrained by consequences. Extremes meet. The Puritans abhorred anything that bore the slightest resemblance to Popery, or reminded the beholder of its abominations. In their ceremonies and doctrines they succeeded as well as they could have desired in producing a contrast, but in conduct and principle, in which power rests, they were identical with one of the most able and artful of the Romish sects. Ultra-Puritans like Dr. Cotton Mather, and extreme Romanists like Ignatius Loyola, bear so striking a resemblance to each other, that they may be both classed as members of the same school. The non-conforming remnant of the former body still remaining in the Church of England, who call themselves, with no little modesty, Evangelicals, but are known to others by the more appropriate name of Low Churchmen, are alike distinguished for their violent denunciations against Popery, and their decided partiality for and open practice of Jesuitical principles.

Dr. Mather in order to promote a revival in religion, and restore the lost authority of the clergy, alarmed the fears and awakened the superstition of the whole people by diliberately planning and promoting the witchcraft delusion, which inflicted such an indelible disgrace on his country. He aspired to be considered the great champion of the Church, and the most successful combatant

against the Prince of Darkness. Eager to signalize himself in this particular kind of warfare, he seized upon every occurrence that could be represented as the result of diabolical agency, circulated in his numerous publications as many tales of supernatural wonder as he could collect, and at last got up the delusion he so much desired in Boston. Having found a fitting instrument for his purpose, in a young girl of remarkable quickness and versatility of talent, he took her into his house for the purpose of exorcising her. Among many proofs she gave of being possessed of a devil, one was that she was very fond of the Book of Common Prayer, which she called her Bible, while she could not decypher a syllable of the Assembly's catechism. At the same time she exhibited such a tendency to heresy, she was often permitted to utter words of consolation and truth, and she would sometimes stand on the threshold of the Rev. Doctor's library and say: "They can't come in, God wont suffer them to enter into thy presence." The Doctor published a narrative of her diabolical performances, together with a sermon, which was circulated through the country and reprinted in England under the superintendence of his patron and friend, the noted Richard Baxter, who, in a recommendatory preface of his own, affirmed, "that he who would not be convinced by all the evidence Dr. Mather presented that

this child was bewitched must be a very Sadducee." Time had not softened the cruel disposition of this persecuting English Dissenter, nor age mitigated his ferocity. He exulted in the part he had himself taken during the Commonwealth in urging on Hopkins, the Puritan witch-finder, in his murderous occupation. Alluding with unfeeling bitterness to the execution of an aged clergyman on a similar charge, who had read his own funeral service at the gallows, and whom he called "the reading parson," he encouraged Mather to proceed in his glorious career.

The work of the Rev. Doctor, entitled "Memorable Providences, relating to Witchcraft and Possessions," received the sanction of the other Puritan divines of Boston, who declared that the author had clearly proved "There was a God, and a devil, and witchcraft. The old heresy of the sensual Sadducees denying the being of angels either good or evil, died not with them nor will it, whilst men abandoning both faith and reason count it their wisdom to credit nothing but what they see and feel. How much this fond opinion hath gotten ground in this debauched age is awfully observable, and what a dangerous stroke it gives to settle men in atheism it is not hard to discern. God is therefore pleased, besides the witness borne to this truth in Sacred Writ, to suffer devils sometimes to do such things in the world as shall stop

the mouths of gainsayers, and extort a confession from them."

This sermon affords a curious specimen of fanatical declamation. "Witchcraft," says the author, "is a renouncing of God, and the advancement of a filthy devil into the throne of the Most High; witchcraft is the renouncing of Christ, and preferring the communion of a loathsome, lying devil, before all the salvation of the Lord Redeemer; witchcraft is a siding with Hell against Heaven and Earth, and therefore a witch is not to be endured in either of them. It is a capital crime and is to be prosecuted as a species of devilism that would not only deprive God and Chirst of all His honour, but also plunder man of all his comfort. Nothing too vile can be said of it, nothing too hard can be done to such a horrible iniquity as witchcraft is."

The favourite texts on the subject were, "Thou shalt not suffer a witch to live," and "Have I not chosen you twelve, and one is a devil." Such a fearful subject, handled in such an exciting manner, easily prepared the way for the tragedy that followed.

While this delusion, so wickedly devised and so artfully sustained, was thus spreading over the metropolis, its operations were going on with tremendous efficacy in Salem and the neighbouring towns. Additions were continually making to the

number of accusers by voluntary accessions and by those who, having been charged themselves, to save their lives, confessed and became witnesses against others. The prisons in Salem, Cambridge, and Boston, were crowded with supposed witches, and all the securities of society were dissolved. Every man's life was at the mercy of his neighbour. Fear, says the historian of this period, sat on every countenance. Terror and distress were in all hearts, and silence pervaded the streets. Many of the people left the country, all business was at a stand; and the feeling, dismal and horrible indeed, became general, that the *providence of God was removed* from them, and that they were given over to the dominion of Satan.

To meet the extraordinary crisis a special commission was issued to several of the principal citizens and jurists of the colony, constituting them a court, to try accused persons at Salem. They assembled by particular appointment at the Court-House on the 2nd June, 1692. The first victim, an old woman, was executed on the 10th of June. The Court then adjourned. The Government during the recess consulted several of the Congregational ministers of Boston and its vicinity, respecting the prosecutions, who, while they urged the importance of caution and circumspection in the method of examination and admission of testimony, at the same time decidedly and earnestly

recommended that the proceedings should be "vigorously carried on." The Court sat again on the 30th of June, and five more old women were put to death on the 19th of July. It opened again August the 5th, and on the 19th of the same month, four men and one woman were executed; and on the 22nd September, two men and six women were hanged. Eight more were condemned, but these were the last that suffered capitally, at that time. One man refusing to plead to the indictment, was pressed to death as a punishment for his contumacious silence.

The principal immediate effect of these summary and sanguinary proceedings, was to render the accusers more bold, confident and daring. They began to feel that the lives of the people were in their hands, and seemed at last to have experienced a fiendlike satisfaction in the thought of bringing infamy and death upon the best and most honoured citizens of the colony. Among those who suffered was the Rev. Mr. Burrows, of Salem, whose fate struck a horror through the community, which it required all the art and sophistry of the board of ministers to calm. He was a well-educated man, had received the honours of Harwood University in 1676, of a spotless life, and no charge of inconsistency as a minister had ever been attempted to be brought against him. On the day before his execution, the unfortunate woman, Margaret Jacobs,

who appeared as witness against him, obtained permission to visit him, when she made a full acknowledgment of her perjury, and entreated him for his forgiveness. This he freely gave her, and spent some time in prayer with her. When the hour arrived for his execution, he was carried in a cart, with other convicts, from the gaol to Gallows Hill, about an eighth of a mile towards Danvers. While Mr. Burrows was on the ladder, a contemporary writer observes, "he made a speech for the clearing of his innocency, with such solemn and serious expressions as were the admiration of all present. His prayer was so well worded, and uttered with such composedness and such fervency of spirit, as was very affecting, and drew tears from many, so that it was apprehended the spectators would hinder the execution. To meet and turn back this state of feeling, the accusers cried out that they saw the evil being standing behind him in the form of a black man, and dictating every word he uttered; and the infamous Cotton Mather hurried round among the crowd on horseback, haranguing the people and saying that it was not to be wondered at that Mr. Burrows appeared so well, for that the Devil often transformed himself into an angel of light. This artful declaration, together with the outcries and assertions of the accusers, had the intended effect upon the fanatical multitude. When the body was cut down it was

dragged by a rope to a hollow place excavated between the rocks, stripped of its garments, thrown with two others into the hole, trampled down by the mob, and finally left uncovered.

Nor did Mather forget those whose orthodoxy was doubtful. The religious toleration granted and enforced by Andross, disclosed the fact that there were some of the Baptist heresy still dwelling among the faithful. When positive proof could not be obtained against the delinquent, spectral evidence was admitted, a term then in use to designate information exhibited to the eyes or conveyed to the ears by spirits or ghosts. These irresponsible informers soon gave notice that the Devil was at work among the people in the shape of a Baptist preacher, making them renounce their baptism, and be dipped anew by him, and reviling and ridiculing the lawful ministers of the elect. The absurdity of these charges naturally led people to inquire if there were not fraud in others. Alarmed at the magnitude of the evil, they paused and conferred with each other on the subject; but that which finally overthrew the power of the informers, was the increasing number of persons of character, station, and influence among the accused. They repeatedly charged the Rev. Mr. Willard, the author of the "Body of Divinity," one of the most respectable ministers of the time. They accused a member of the immediate family

of Dr. Increase Mather, who had recently returned from a special embassy to the English Court respecting the Charter, and was then the President of Harwood College, the man whom Elliott calls the "Father of the New England Clergy." A writer of that period also intimates that they lodged information against the wife of the newly-arrived Governor, Sir William Phipps, and implicated one of the Judges of the Court. Their last accusation (which was preferred against Mrs. Hale, the wife of the minister of the first Church in Beverly) was in the opinion of the public, the most false and wicked of all, and effectually broke the spell by which they had held the minds of the whole colony in bondage. Her genuine and distinguished virtues had won for her a reputation, and secured in the hearts of the people a confidence which superstition itself could not sully nor shake. Mr. Hale had unhappily been active in all the previous proceedings, but knowing the innocency and piety of his wife, he stood forth between her and the storm he had himself helped to raise. In denouncing Mrs. Hale, the whole community was convinced that the accusers had perjured themselves, and from that moment their power was destroyed. The awful delusion ceased, and a close was put to one of the most tremendous tragedies in the history of real life. There are few if any other instances on

record of a revolution of opinion and feelings so sudden, so rapid, and so complete.

During the prevalence of this fanaticism, twenty persons lost their lives by the hand of the executioner, fifty-five escaped death by confessing themselves guilty, one hundred were in prison, and more than two hundred others under accusation. Immediately upon the termination of the excitement, all who were in gaol were pardoned. Nothing more was heard of the afflicted, or theconfessors. They were never called to account for their malicious impositions and perjury. It was apprehended that a judicial investigation might renew the delusion, and all were anxious to consign the whole subject as speedily and as effectually as possible to oblivion. The state of things which Cotton Mather laboured to bring about, in order that he might increase his own influence over an infatuated people, by being regarded by them as mighty to cast out and vanquish evil spirits, and as able to hold Satan himself in chains by his prayers and his piety, brought him at length into such disgrace, that his power was broken down, and he became the object of public ridicule and open insult.

The excitement that had been produced for the purpose of restoring and strengthening the influence of the clerical and spiritual leaders, resulted

in effects, which reduced it to a still lower point. Congregationalism then received a shock from which it never afterwards fully recovered. The intelligence of the ministers, if not their integrity, was questioned, and doubt, distrust, and infidelity soon struck root amid the ruins of superstition. While their fearful proceedings were in progress, Sir William Phipps arrived with a new Charter, the nature of which we shall describe hereafter, and thus were terminated all hopes of the restoration of the old order of things. It forms an important era in colonial history. Hitherto, the people had governed themselves without the control of England. They still continued to do so, as we shall see, in spite of her interference. They grew up in neglect; when restraint was attempted, they resisted; and the moment they were able, they severed the connection. The Whigs reversed this policy for the remaining colonies; they began with restraint, and ended with neglect and fatal indulgence which are likely to produce a similar result.*

* Whoever is desirous of further information on this subject, will find ample details in Hutchinson, and the Collection of the Massachusetts Historical Society, but the best account is by the Rev. Mr. Upham, from whom I have drawn largely.

CHAPTER V.

REVIEW.

The two most interesting periods of American history extend, 1st. From the settlement of Massachusetts to the English Revolution of 1688; 2nd. To the independence of the colonies in 1783—Review of the first period—Number and names of colonies then settled—Their population and commerce—Account of the different forms of Government then established there—Great increase of democratic opinions — Change in tone of feeling in Virginia—Some account of the Church there—Loyalty of Churchmen—State of Maryland, Pennsylvania, and New York—Effect of the conduct of New England upon them.

THE two most interesting periods of the colonial history of America extend from the first settlement of Massachusetts to the great English Revolution of 1688, and from thence to the peace of 1783 that insured the independence of the revolted provinces constituting the United States.

We have now arrived at the termination of the first, and must pause to review and contemplate it. It is by far the most curious and instructive, inasmuch as during that time the colonies were planted, their constitutions, after various alterations, assumed a definite form, and they were sensibly affected by every change which the innovations of those days introduced into the parent country. If we except Georgia, afterwards planted, and Florida, subsequently conquered, the continental colonies were now firmly established, and consisted of Massachusetts, including Plymouth and Maine, Rhode Island (embracing Providence), Connecticut, New Hampshire, New Jersey, New York, Pennsylvania, Maryland, Virginia, and the two Carolinas, and contained about two hundred and fifty thousand inhabitants, of which at least seventy-five thousand were settled in New England. Their commerce was carried on by twenty-five thousand tons of shipping, which was navigated by two thousand six hundred seamen.

No regular plan of colonization had ever been adopted. Settlements formed by accident or caprice were left to languish or flourish, as the character of the people, or the nature of the soil or climate, happened to operate. They were not trained up, they grew up; and being beyond the reach of parental control, governed themselves in their own way. Many constitutions were drafted

and proposed for adoption; the most arbitrary, impracticable and absurd of which emanated from men like Locke, whom England delights to honour as her most distinguished sons. It may be some consolation to the admirers of that great man to know that modern statesmen, with a wider experience and infinitely increased means of information, have exhibited as little skill in legislating for colonists as he did. Several of these forms were tried in different places with more or less success, but at the time we are now speaking of, though varying from each other in many respects, they may be classed under three heads:—Charter, Proprietary, and Royal Governments. Of the first were Massachusetts, Rhode Island, and Connecticut; of the second were New Jersey, Pennsylvania, Maryland, and Carolina; and of the third New York, Virginia, and New Hampshire.

The origin of those charter governments, as we have seen, was the surreptitious removal to America, by the Puritans, of a patent granted to certain of their number as a trading company, whose court was to meet and act in London, and the attempt to adopt this incomplete and incompatible instrument to the purposes of civil government. Subsequently other charters, equally inapplicable, were granted, in which not even the unsubstantial appearance of sovereignty was reserved to England. They were pure democracies.

They elected every one of their officers from the highest to the lowest, and displaced them at pleasure, while the laws they enacted went into operation without transmission to England for approval. The main object in devising a constitution for a dependency is, or ought to be, as has been very well expressed by an author of great weight on this subject, "to make the new establishment as useful as possible to the trade of the mother country; to secure its dependence, to provide for the ease, safety and happiness of the settlers; to protect them from their enemies, and to make an easy and effectual provision to preserve them from the tyranny and avarice of their governors, or the ill consequences of their own licentiousness; that they should not, by growing into an unbounded liberty, forget that they are subjects, or lying under base servitude, have no reason to think themselves British subjects." This is all that colonies, according to the present and best ideas of them, can or ought to be.

The second form in use was the proprietary. It was not then difficult for a person who had interest at court to obtain large tracts of land not inferior in extent to many kingdoms, and to be invested with a power over them very little less than regal, to govern by what laws, and to form what sort of constitution he pleased. A dependence upon the Crown of England was shown

only by the payment of an Indian arrow, a few skins, or some other trifling acknowledgment of the same nature. In these the lords of the soil, having derived from the same source the regal rights that Counts Palatine enjoyed, stood in the place of the King, who possessed within their limits neither the means of effectually executing what the supreme legislature had enacted, nor the undefined authority which superintendence may claim. Of these, by far the most important were Maryland and Pennsylvania. In the former the constitution consisted of a Governor and Council appointed by the proprietors, and an assembly elected by the people. The reservations of the Crown amounted only to a negative on the nomination of the Governor, the appointment of the officers of the customs, and their independence from local control. In Pennsylvania the proprietary was under the same restrictions that limited that of Maryland, but was more restrained by the people, for their legislature had but two parts, the assembly of the delegates and the Governor. The latter wanting the great influence which the council gave in other places, found himself engaged in a very unequal contest whenever his sentiments differed from those of the House.

In the royal provinces of Virginia, New York and New Hampshire, the Governor, the Council

and the Delegates formed a miniature of the King, the Lords and the Commons, The Governor had the honour of representing the body politic of the King; the members of the Upper House awkwardly discharged the twofold duty of the peers by acting as a sort of privy council, and as senators in the making of laws. The delegates engaged the submission of the people to what all had assented, since they were chosen by themselves. As the House of Assembly was the guardian of the privileges of the subject, the council was constituted chiefly to preserve the prerogative of the Crown, and to secure the dependence of the colony, and the more effectually to answer these ends, they were appointed during pleasure only. When any bill passed the two houses, it came before the Governor, who declared or withheld his assent as he thought proper. If approved by him, it then acquired the force of a law, although still liable at any period within three years to be annulled by the royal veto. The local legislature, whether of the charter, the proprietary or the royal government, had but little similarity to the parliament, because the one was merely that of a district, the other of an empire. The former was, therefore, provincial and subordinate; the latter was universal and sovereign.

Such were the forms of Government that then prevailed, and the result was, pure democracy in

the Charter Governments. There was but a shadow of a shade of royalty in the proprietary provinces in the person of a Governor who represented, but disobeyed the palatine, who himself acknowledged the supreme rank, but disowned the authority of the King. Royal Governments were distinguished for turbulence and disaffection. In all of them a refractory people ruled, overawed or bribed the needy representative of royalty, whose silence they knew how to secure, as he was dependent on their bounty for his support, and whose removal they could always obtain by loud and hollow professions of loyalty, accompanied by protestations, that he alone was the cause of their distractions.

The exemption from all control enjoyed by the people of New England at once excited the envy, the admiration, and the disobedience of the other colonists, while the democratic opinions of her sectarian population, now fast extending themselves into the other parts of the continent, effected a rapid change in the sentiments of the provincials. Virginia, which had been originally settled by members of the Church of England, and subsequently peopled by the Cavaliers, had ever been distinguished for its loyalty. It had been divided into parishes at an early period, and supported a regular ministry. By the law of the land there was to be a room or house in every plantation

"for the worship of God, sequestered and set apart for that purpose, and not to be for any temporal use whatever: also a place of burial." Absence from public worship "without allowable excuse" was punishable by the forfeiture of a pound of tobacco, or fifty pounds if the neglect was continued for a month. The celebration of divine service was to be conformable to the Church of England. No minister was to be absent from his parish more than two months, under pain of losing half his salary, or the whole of it, together with his cure, if his non-residence extended to four months. He who disparaged a clergyman without proof was to be fined five hundred pounds of tobacco, and to beg his pardon publicly before the whole congregation. Their salaries were to be paid out of the first gathered and best tobacco and corn, and no man was to dispose of his crops before paying his dues, under a penalty equal to the full amount of his tax.

It was not then known that a Bishop should be the first, and not the last to land on the scene of missionary labour; and the clergy, often badly selected, always poorly paid, and far removed from ecclesiastical control, were gradually overcome by the intrigues and misrepresentations of non-conformity, by the want of proper protection from the home government, and the growing licentiousness of a people, whom the climate, the bounty of

nature, and the facility of acquiring wealth, inclined or seduced into indulgence. Amid all the temptations as well as the difficulties of their situation, the long struggles the inhabitants made against the spread of democracy, and the warm attachment they evinced to their King, and the institutions of the mother country clearly prove how loyal and dutiful is the teaching of the establishment, how important it is to further her extension, and assist in the endowment of her parish churches, not only in America, but in all the British possessions abroad. At a still more recent period, it was a most consolatory fact, that in the late rebellion in Canada, there were no Churchmen among the traitors who have been so mercifully compensated for the inconvenience they suffered by imprisonment or exile.

Neglected as the clergy were in Virginia, and unmindful as they themselves sometimes were of their duty, their labours were not without their effect. Spotswood, writing to the Bishop of London, says: "I will do justice to this country: I have observed here less swearing and profaneness, less drunkenness and debauchery, less uncharitable feuds and animosities, and less knaveries and villanies, than in any part of the world where my lot has been." But at the same time he remarked and lamented the growth of republican principles: "The inclinations of the country," he

said, "are rendered mysterious by a new and unaccountable humour, which had obtained in several counties, of excluding the gentlemen from being burgesses, and choosing only persons of mean figure and character."

The people of Pennsylvania, a mixed race of Germans, Swedes, Dutch, and English adventurers, had no innate sense of loyalty, and no common feeling of religious attachment to the church of the mother country. Calvinists, Lutherans, Minists, Moravians, Independents, Anabaptists, Socinians, Dumplers, and Churchmen lived in singular harmony together, because the wants of nature left them but little time for the indulgence of theological discussions; but they all, with the exception of the last, agreed in the opinion that occupancy gave a title to land, and that a laborious population had a better right to the soil than a speculating proprietary. The Quakers, who boasted of their peaceful disposition and habits of submission, though not turbulent, became troublesome subjects by their passive resistance to all measures that they disapproved of, and impeded the machinery of government by refusing to aid in its defence, or contribute to its support.

Maryland, originally settled by Papists, regarded the Revolution with dread, and had more sympathy with Rome than England, a feeling not a little increased by the contagious disloyalty, as well as

the unjust and ungrateful persecution, she experienced from the Protestant sectaries, whom she had received and tolerated within her limits. With regard to both these provinces, as well as Carolina, the Lords of the Committee of Colonies represented to the King, that "the present circumstances and relation they stand in to the government of England is a matter worthy of the consideration of Parliament, for bringing these proprietaries and dominions under a nearer dependence on the Crown, as his Majesty's revenue in the plantations is very much concerned herein."

New York, distracted by the contentions of two parties for supremacy, which England could neither compose nor redress, partook of the general contagion. The Council reported to the Lords of the Committee of Colonies, in July, 1691, "that New England had poisoned those Western parts, formerly signal for loyal attachment, with her seditious and anti-monarchical principles;" while Grahame, the Attorney-General, informed them that "the principles of loyalty and good affection to the Crown, which were inherent to the people of New York, are now extinguished." The contagion soon overspread the remaining colonies, because "predisposition of habit naturally attracts infection." Guarry, whose office of Surveyor-General of the Customs enabled him to know the genuine prin-

ciples and practice of every province, represented officially to the Board of Trade, "that this malignant humour is not confined to Virginia, formerly the most remarkable for loyalty, but is universally diffused." Very shortly after this period, so rapid had been the spread of these anti-monarchical opinions, that the Governor writes from New York: "Now the mask is thrown off. The delegates have called in question the Council's share in the legislature, trumped up an inherent right, declared the powers granted by letters patent to be against law, and have but one short step to make towards what I am unwilling to name. The Assemblies claiming all the privileges of a House of Commons, and stretching them even beyond what they were ever imagined to be in England, should the councillors by the same rule lay claim to the rights of a House of Peers, here is a body co-ordinate with, claiming equal powers, and consequently independent of, the great council of the realm; yet this is the plan of government they all aim at, and make no scruple to own. But as national and sovereign empire is to be exercised by them that have the balance of dominion in the nation, so provincial or dependent empire is not to be exercised by them that have the balance of dominion in the province, because that would bring the Government, from being subordinate, to be national and independent."

As no consistent or well-digested plan was prepared to remedy these evils, recourse was had to expostulation, to issuing peremptory orders to governors, and to threats of invoking parliamentary interposition. These measures only aggravated the evils they were intended to repress, for commands and menaces were alike disregarded where it was well known there was no power whatever to enforce them; and the authority that was at first evaded or disobeyed, at last became everywhere the subject of ridicule or contempt.

CHAPTER VI.

POLITICAL INSTITUTIONS UNDER THE CHARTER.

Office, duties, and modes of appointment of the Charter Governors—Court of Assistants—Origin and growth of the House of Delegates—Jealousy of the people as to power of Governor and Magistrates — Code of laws described—Specimens of the sentences of the courts—Perfect equality secured by their laws and institutions—Account of townships and town meetings — Counties, towns, and General Court present a miniature of a great Republic—Union of the colonies, the foundation of the federal union of the States—General system of popular education prepares the people for self-government.

We have seen in the foregoing chapters, that in civil and ecclesiastical matters, Massachusetts, and the other adjoining colonies, known as New England, asserted and maintained total independence. An attentive consideration of these institutions leads us to the conclusion that they had ever

in view the project of adhering as nearly as possible to a democratic form of government.

From the moment of their landing in America, and taking possession of the country, though they preserved a friendly intercourse with England, the colonists extinguished all obedience, and severed all political connection with it. They set up a Government of their own, based on popular election, and, as freemen under the Charter, claimed and enjoyed the right of modelling their constitution in their own way, and appointing their own officers, to exercise for a limited period executive and legislative functions. Their republicanism was not theoretical, but practical; not having a predominant character of self-government, but possessing no other ingredient but the will of the people. Jealous of gubernatorial influence, they delegated as small a share of authority to the Governor as possible, who was chosen annually, and was little more than chairman of the assistants. He had the power of convening the Legislature upon urgent occasions; but this he only enjoyed in common with the Deputy-Governor, and the majority of the councillors, either of whom could command their attendance if he neglected, or did not see fit to do so. He voted with the assistants, but merely as a member of the Court, his opinion having no more weight necessarily attached to it than that of another individual, unless there was an equal divi-

sion, which entitled him to a casting vote; but he could not adjourn, prorogue, or dissolve them, acts which were reserved for the majority only. He issued commissions to civil and military officers; but the former were appointed by the Court, and the latter generally elected by their companies or regiments.

The oldest dispute in the colony related to the grounds and limits of the Governor's authority. At Boston, on occasions of dividing the town lands, "men of the inferior sort were chosen." The doctrine of rotation was asserted, even to the neglect of Winthrop, "lest there should be a Governor for life." When one of the elders proposed that the office should be held in that manner, the deputies immediately resolved that no magistrate of any kind should be elected for more than a year. The justices once assembling, in a sort of aristocratic caucus, nominated several persons for the choice of the people, but they took care to neglect every one of the candidates thus proposed. On the other hand, when one of the ministers attempted to dissuade the freemen from selecting certain persons who were obnoxious to the clergy, they disliked the interference of the adviser, more than they approved of the doctrine of frequent change, and returned them almost without an exception.* So deeply rooted and

* Bancroft. Winthrop.

widely spread was the prejudice against a life tenure, that it may be said to have prevailed throughout New England. Connecticut, by a distinct declaratory clause in its fundamental constitutions, carefully guarded against any such result.

The advantage that democracy gains by making provision for public officers annually, and not attaching fixed salaries to their situations, was very early perceived. In a contested election for Governor, in the year 1641, Mr. Bellingham was chosen over his rival Winthrop, by a majority of six votes. The result was not agreeable to the General Court; and the first order they made, after proceeding to business, was to repeal a standing law, allowing him a yearly salary of £100. This precedent they afterwards adopted, as we shall presently see, with great success in embarrassing all the subsequent representatives of royalty, until the actual breaking out of hostilities.

The Assistants or Councillors were annually chosen by the whole body of freemen in the colony. They constituted, with the Governor, at the first settlement, the whole, and subsequently one of the two branches of the Legislature, and were also the Supreme Court in all civil and criminal causes, except in those instances in which an appeal was allowed to the General Assembly. When the Lower House came into existence, the members chose the Speaker, and proceeded to

business, not only without presenting him to the Governor for his approbation, but without even acquainting him with the result of their election, or the name of the person whom they had selected.

In the first little republic, everything was based, as far as the freemen were concerned, on general and often recurring elections. It was a fresh and young shoot from the tree of liberty, and grew with all the vigour of youth into wild luxuriance, that defied alike the pruning knife or the training hand of cautious experience, until it overran the whole country. By a natural consequence of causes, the operation of which was not then at all understood, the Upper House became more dependent on the popular voice than the lower branch, inasmuch as it was chosen by the freemen of the whole commonwealth, and the other by those resident in the several districts. The Assistants, therefore, had a larger constituency to conciliate and represent, and were consequently more under observation, and more exposed in the conflicts of party, to the ingratitude of unstable friends, or the rancour of inflamed opponents. As sanctity of manners and soundness of doctrine were strong recommendations to popular favour, they became every day more expert in the language of cant, and more obsequious to their partizans the ministers, until at last they were unable to

stem the torrent of fanaticism, whose channels they had so industriously widened and deepened themselves. Stripes, confiscations, banishment, and death, were liberally awarded to heresy, to gratify the ignorant zeal of the mass, and the vindictive malice of the clergy, who considered dissent from their opinions as far more criminal than rape, burglary, or highway robbery—the one being punishable, if persisted in, with death; and the others entitled to those lesser penalties that were awarded to offences not capital.

Men who fail in obedience themselves, generally compensate for the defect by extorting it from others. A stubborn, unyielding temper is the cause of these peculiarities. While the Puritans of New England made the world ring with their accusations against the tyranny of Laud, they did not disdain to make use of the instruments of despots, to enforce conformity to their own views. For this purpose, they passed a law on the subject of torture, which, though nominally prohibiting, authorises its application, and regulates its use. It begins by forbidding recourse to be had to it generally, but excepts any case in which the criminal is first fully convicted by clear and sufficient evidence; after which, if it be apparent, from the nature of the case, that there are confederates with him, he may be tortured; yet not with such instruments as are barbarous and inhuman.

The rigour of justice extended itself as well to the protection of the rights of property as to the moral habits of the people. A remarkable instance of this is shown in the power given to creditors over the persons of their debtors. The law admitted of a freeman's being sold for service to discharge his liabilities, though it would not allow of the sacrifice of his time by being kept in prison, unless some estate was concealed.

It was owing to a jealousy of magisterial authority that a compilation of the laws was sought for with avidity by the people. They were disinclined to invest the justices with any discretionary power whatever, in apportioning punishments to the circumstances of each particular case, and required an exact penalty to be attached to every offence, preferring to lose the benefit of mitigation to incurring the dangers of arbitrary decisions. In order to appease the murmurs of dissatisfaction, the work was undertaken in earnest, and after fourteen years of deliberation of committees formed of magistrates, ministers and elders, a code was produced and ratified by the Legislature. These laws, ninety-eight in number, were named "fundamentals," or "body of liberties." This curious compilation commences with a general statement of the rights of the inhabitants in seventeen articles, of which several may now be found embodied in the Constitution of the Great Republic,

and the States Bills of Rights. Next follow "rights, rules and liberties in judicial matters," forty-one in number; "liberties concerning freemen," twenty in all, and chiefly referring to the civil polity of the colony. Two are devoted to the liberties of women. Liberties of children, and of servants, are each contained in four articles. Liberties of foreigners and strangers occupy three additional ones, and the "brute creation" is protected by two. Capital laws inflict the punishment of death on twelve offences, and the whole concludes with an account of the liberties the Lord has given His churches.

It is a most extraordinary production, and will well repay the labour of perusing. That it was unwillingly compiled and published is well known; but this compulsory task was so adroitly performed, that most clauses contain some qualifications to render them inoperative. Thus every church may choose its minister, provided he be able, pious and orthodox. Private meetings are allowed to all sorts of Christian people, "if they be without offence as for number, time, place, and other circumstances." "There shall be no captivity among us," but the slave-trade is established by the exception, unless it be captives taken in just wars, those who sell themselves, or *such as are sold to us*. Liberty and hospitality is granted to all foreigners who profess *the true* Christian

religion. No inhabitants to be compelled to go beyond the jurisdiction in any offensive, but only in *vindictive* and *defensive* wars, and so on.* It contains not the most distant allusion to the laws of England, since it was compiled chiefly from the Jewish system, which was adopted because it had

* Apparel was regulated by these rigid magistrates as well as morals. In the year 1649 the following circular was sent through the country by the magistrates: "Forasmuch as the wearing of long hair, after the manner of the Russians (*Cavaliers?*) and barbarous Indians, has begun to invade New England, contrary to the rule of God's word, which says it is a shame for a man to wear long hair, as also the commendable custom generally of all the godly of our nation, until within this few years. We, the magistrates who have subscribed this paper (for the showing of our own innocency in this behalf) do declare and manifest our dislike and detestation against the wearing of such long hair, as against a thing uncivil and unmanly, whereby men do deforme themselves and offend sober and modest men, and doe corrupt good manners. We doe therefore earnestly entreat all the elders of this jurisdiction, as often as they shall see cause, to manifest their zeal against it in their public administrations, and to take care that the members of their respective churches be not defiled therewith; that so such as shall prove obstinate, and will not reform themselves, may have got God and man to witness against them.

"JO. ENDICOTT, *Governor.*

"THOS. DUDLEY, *Deputy-Governor.*

"*And others.*

"The 3rd month, 6th day, 1649."

been given to an elect people; and the common law and statutes of their fathers were no more regarded in Massachusetts than in Germany or France, as they were deemed inapplicable to their condition. They declined to administer justice in the name of the King, because they did not like the appellation nor admit his jurisdiction, but preferred to use the more appropriate term of "the established authority," since they affected the state of a Commonwealth.* These ordinances were, how-

* Whilst they were without a code or body of laws, their sentences seem to have been adapted to the circumstances of a large family of children and servants, as will appear from the following, which, from amongst many others of the same sort, I have extracted from the public records:

"John Blastowe, for stealing four baskets of corn from the Indians, is ordered to return them eight baskets, to be fined five pounds, and hereafter to be called by the name of Josiah, instead of Mr., as formerly." "Sergeant Perkins is ordered to carry forty turfs to the fort for being drunk." "Captain Lovell to be admonished to take heed of light carriage." "Thomas Petit for *suspicion* of slander, idleness, and stubbornness, to be severely whipped and kept in hold." "Catherine, the wife of Richard Cornish, found *suspicious* of incontinency, seriously admonished to take heed."—*Hutchinson*, vol. i, p. 436.

The Connecticut laws, which were framed and executed by people vastly inferior in ability and education to those of Massachusetts, are conspicuous for their harshness as well as their absurdity:

"No. 17. No one shall run of a Sabbath-day, or walk in

ever, of their own making as well as their Constitution, and both were the acts of the people.

They held the maxim *Vox populi, vox Dei* to be equally true in politics and religion. Public opinion in a free country, when rightly understood, exercises a most salutary and necessary influence over the officers of government; but if it be so closely applied as to absorb all independence, it ceases to be a check and degenerates into tyranny. It does not limit and circumscribe authority by constitutional guards, it annihilates it.

Equality of condition was secured by a law regulating the descent and distribution of the real and personal property of intestates. The exclusive claim of any one heir was not listened to, but an equal division was made among all, reserving only to the eldest son a double portion, to reward him for his labour and assistance in acquiring the estate, and to enable him to stand in *loco parentis* to the family when deprived of its natural guardian.

his garden or elsewhere, except reverently to and from church.

"No. 18. No one shall travel, cook victuals, make beds, sweep houses, cut hair, or shave on the Sabbath-day.

"No. 19. No husband shall kiss his wife, and no mother shall kiss her child upon the Sabbath-day.

"No. 31. No one shall read Common Prayer, keep Christmas or Saints' days, make mince pies, dance, or play on any instrument of music, except the drum, the trumpet, and the Jews' harp."

This fundamental law in a country where people generally marry early and have numerous children, effectually destroys the natural tendency of property to accumulate in the hands of a few. Hereditary claims were also rejected, their public officers being all annually chosen from the body of freemen without regard to distinctions. Old associations and early prejudices in favour of rank and fortune, though theoretically disclaimed, were not inoperative at first in the choice of the Governor and Assistants; but they gradually gave way to the principles they had laid down for themselves, and in time, station or family connections were found to be aristocratical barriers to public favour. At an early date perfect equality was aimed at. Not more than half a dozen gentlemen took the title of Esquire, nor more than four or five out of a hundred freemen that of Mr., although they were, in general, men of substance. Goodman and Goodwife were the common appellation. Destroying the distinctions of rank, conferring equal rights on all the freemen, and sanctioning a distribution of real estates among the children of intestates, were the foundation and support of the first, as they now are of the second, American Republic.

Their militia service, though regulated by law, was enforced by officers chosen by the Companies, and placed under the command of a General

nominated by the freemen, but approved and appointed by the Court.

The principle of self-government was claimed and exercised by the inhabitants of townships, subdivisions of counties corresponding in some respects to English parishes. These little local communities possessed certain corporate rights. The people assembled together, and voted sums of money to provide for the poor, the support of religion, the erection of public buildings, the repair of highways, the maintenance of police, and similar objects; and also for the purpose of electing assessors, collectors, justices, and select men. The duty of these last officers was to see the law of the land observed, and especially to enforce the orders of the people in all matters relating to the good government and internal management of the township. They were also charged with the direction of the education of the rising generation, the support of the ministers, and the mode of apportioning and collecting the sum ordered by the General Court to be raised within their jurisdiction for State purposes.*

A law, passed at a very early date (about 1636), gave a peculiar character to these townships. It prohibited the erection of dwelling-houses in any new town at a greater distance than half a mile

* See Wonder Working Providence, Sion's Saviour, p. 191.

from the church. Lands, in consequence, were seldom granted to individuals, but only to companies, associated together for settling a plantation. The New England rural districts were thus made villages, differing in that respect from those of Virginia, whence resulted a concentrated population. This arrangement was originally made for the religious organization of the settlers; but as it produced combination, it effected in the end most important political as well as social results.

The town meeting was a place where matters were publicly discussed, whether they related to the votes and conduct of representatives in the General Court, or were only of parochial interest. They were normal schools for politicians, where aspirants for popularity railed against the salaries and extravagancies of the Commonwealth, declaimed on the rights and privileges of freemen, extolled the value and importance of the Charter, drew frightful pictures of the profligacy of princes, and their wicked attempts to enslave the people, and by their pompous orations encouraged their countrymen to prefer death to dependence. Questions of privilege, that occasionally arose between the different branches of the legislature, were here most learnedly discussed, as well as matters of doctrine and discipline, that sometimes disturbed the Churches. Points that have puzzled divines and philosophers, were disposed of with great ease

and fluency, and the applicability of texts of Scripture to every imaginable case most clearly demonstrated.* The expediency of uniting with the other colonies, and the plans of attack and defence in the French and Indian wars, being of more interest, were treated with less cant, and more knowledge and discretion. In short, in those little democratic assemblies were trained the men, who were afterwards to maintain their rights in the General Court.

The Commonwealth of Massachusetts, therefore, was a miniature of the great confederation. The General Government and Supreme Judicial Establishment, having jurisdiction over the whole country, centered at Boston, as those of the United States now do at Washington.† Every township

* The General Court being much agitated on the question of the right of veto in the Assistants, called upon Mr. Cotton, the great divine of the day, to preach on the subject. He chose the following most *pertinent* text (2 Hag. II, 4): "Yet now be strong, O Zerubbabel, said the Lord; and be strong, O Joshua, son of Josedech the High Priest; and be strong, all ye people of the land, and work: for I am with you."—*Hub. Hist. of New England.*

† Under pretence of choosing a geographical centre for Congress, American statesmen very poorly provided against the danger of being overawed or even influenced by the mob of a large city. Washington is little more than a small town, composed of public buildings and hotels—a simple arrangement that would strip Paris of its variety and insecurity.

as we have seen, was, to a certain extent, for all internal matters, independent, made bye-laws for its own inhabitants, regulated its own fiscal and territorial affairs, and was represented in the State legislature at the capital. Massachusetts was, in fact, an union of many little Sovereign Communities, with a Federal Government, composed of district delegates, with the power of enacting laws for all, in those matters in which the co-operation of all was necessary, and without which authority could neither be respected nor maintained. The supreme power of the Commonwealth, whether for defence, revenue, or legislation, was indispensable for the welfare, if not for the existence, of the state. The uncontrolled management of their local affairs was not less essential to the freedom and the independence of the townships.

It was a spirited and able sketch, which the masterly hand of modern politicians have filled up, without destroying the likeness, and its features are all discernible in the inimitable Constitution of the United States. The resemblance is most striking in the Confederation entered into in 1643, already described under the designation—"The United Colonies of New England," consisting of delegates from Massachusetts, Plymouth, Connecticut, and Newhaven, the prototype of the great American Legislature of the present day.

It suggested the idea of all those Conventions, whether provincial or continental, that preceded the war of independence, as well as the Congress. It even contained some articles, now to be found in the American Constitution; namely, the delivery of runaway slaves and fugitives, and the provision that judgments of courts of law and probate of wills in each colony, should have full force and effect in all the others. It carefully guarded the separate privileges of each contracting province; and thus the doctrine of state rights was first broached and acted upon two hundred years ago.

But the first settlers of Massachusetts laid the basis of their freedom on a broader, better, and surer foundation, than any of those institutions to which I have referred—on a well-regulated, well-proportioned, and general education. Montesquieu, in his "Spirit of the Laws,"* says that the principle of a republic is "virtue," which he defined politically, to be "respect for the laws, and a love for our country." In this sense, virtue is found nowhere so strong as in the United States. The frightful tales related by travellers, of lynching and summary justice inflicted by excited mobs, are occurrences peculiar to territories bordering on civilization. In all ages, and

* Spirit of Laws, Vol. 1, Book 4, Chap. 5.

in all countries, barbarians and outlaws resort to fastnesses, or dwell on the confines of the desert, in the inaccessible depths of the wilderness. In America, these regions are the resort of their own criminals, and the refuse of Europe; but it would be the height of prejudice, or injustice, not to give the population at large the credit they deserve, for respect for the laws.* They are a sensible and practical people, and feel that the safety and durability of their institutions depend upon this submissive obedience. They are aware that they are their own laws, enacted by themselves, and that if they disappoint their expectation, they have a better remedy in repealing, than in violating them. They know instinctively, what that great philosopher had discovered by reasoning and research, that, in a Republican Government, the whole power of education is required. Most nobly has this duty been discharged.

Scarcely had the ground in the neighbourhood of Boston been cleared, when the General Court founded a college, which they afterwards called

* Something very like Lynching was attempted in London lately, at Barclay's brewery, on Marshal Haynau; and although hundreds were concerned in it, the Government were unable or unwilling to bring the offenders to justice. It is not the fashion in England to hang traitors. Loyalty is becoming a rare offence, and excites the irrepressible ire of the "most enlightened citizens" of the greatest city in Europe.

Harvard, in token of gratitude to a clergyman of that name, who bequeathed a considerable sum of money to it. The town of Newtown in which it was situated, was denominated Cambridge, the name of the *alma mater* of many of the principal people in the colony. In this respect, they showed a far greater knowledge of the world, and of the proper course of education, than the inhabitants of the present British colonies. They first established an university, and then educated downwards to the common schools, as auxiliary seminaries, which were thus supplied with competent teachers; while duly qualified professional men and legislators, were simultaneously provided for the state. In Canada, there is an unfriendly feeling towards these institutions, which people, who play upon popular prejudice or ignorance, endeavour to foster, by representing them as engrossed by the sons of the rich, who are able to pay the expense of their own instruction, without assistance from the public treasury; and that all that is thus bestowed, is so much withdrawn from the more deserving but untrained children of the poor.

Six years after the arrival of Winthrop, the General Court voted a sum, equal to a year's rate of the whole colony, towards the erection of this college. The infant institution was a favourite. Connecticut and Plymouth, and the towns in the east, contributed little offerings to promote its

success. The gift of the rent of a ferry was a proof of the care of the State; and once at least, every family in each of the colonies gave to the college at Cambridge twelve-pence, or a peck of corn, or its value in unadulterated wampumpeag,* while the magistrates and wealthier men were profuse in their liberality. The college, in return, exerted a powerful influence in forming the early character of the country. As soon as this institution was fairly in operation, provision was made, by the allotment of land, local assessment, and otherwise, for elementary schools; "it being one chief project of that old deluder Satan," says the preamble to this venerable law, "to keep men from the knowledge of the Scriptures, as in former times keeping them in an unknown tongue; so in these latter times, by persuading men from the use of

* Wampum was considered as the Indian money, one fathom was worth five shillings. Their white money they called *wampum*, which signified white; their black *suckawhock suki*, signifying black. A traveller thus describes it: "In my way I had opportunity of seeing the method of making wampum. It is made of clam-shell, containing within two colours, purple and white, and in form not unlike a thick oyster-shell. The process of manufacturing it is very simple. It is just clipped to a proper size, which is of a small oblong parallelopiped, then dulled, and afterwards ground to a round smooth surface and polished. The purple wampum is much more valuable than the white, a very small part of the shell being that colour."—*Thatcher's History of Plymouth.*

tongues, so that at least the true sense and meaning of the original might be clouded with false glosses of saint-seeming deceivers, and that learning may not be buried in the graves of our fathers."

It was ordered in all the Puritan colonies, "that every township, after the Lord had increased them to the number of fifty householders, shall appoint one to teach all children to write and read; and where any town shall increase to one hundred families, they shall set up a grammar-school, the masters thereof being able to instruct youth so far as they may be fitted for the University." The joint operations of both gave a pre-eminence to the people of Massachusetts, which they maintain to this day. At a later period, this laudable example was followed in almost every part of the country, now called the United States; and in no respect is their wisdom more conspicuous than in thus following the example of their forefathers.

Here it may be both convenient and useful to pause, and compare the Constitution of the first New England Republics, and that of the great Federal Government of the present day. The introduction of democracy was the work of the Puritans. It went infinitely further than that of the revolutionists. The latter was Conservative. The admirable Constitution of the United States is less simple in its structure, but safer in its operation; less democratic in its form, but confers

and ensures more freedom, and is better provided with appropriate checks to guard the independence of the people, and protect it from its own excess. It echoes public sentiment, but the tone is subdued and softened by repetition. The unmistakeable voice of the people is heard; but the medium through which it passes, mitigates its overpowering sound, and it is so modified that it can be distinguished with ease, and listened to with safety. The statesmen who drew up that masterpiece of wisdom, were, however, greatly indebted to their ancestors, for exhibiting to them their imperfect experiment in self-government, for all or the greater part of their institutions may be traced to those of the first settlers. Universal suffrage, annual Parliaments, and yearly Governors, are more democratical than the practical, rational, and enlightened descendants of the New English thought conducive to the deliberative character of Congress, or compatible with the peace and harmony of the people.

The first idea of a Congress was suggested, as we have seen, by the Confederation of the united colonies of New England, which was in existence for about forty years. It consisted of delegates from the associated provinces, formed but one assembly, and was presided over by one of their number, chosen by themselves. With the records of this body before them, and a Legislature in the old Puritan plantations, consisting of a Governor,

Assistants, or Second House, and an Assembly, all chosen annually, it is natural that they should adopt one or the other as their model. Perceiving the defects of each, they blended the best parts of both, and made such improvements as were necessary. It was for the wisdom of these additions, not the invention, that they are entitled to the gratitude of their countrymen, and the admiration of mankind.

The Governor, when elective in the old colonies, was chosen directly by the people. The framers of the Constitution adopted the principle of popular choice; but to avoid danger, vested it in electors chosen by the inhabitants, under the direction of each State. A very wise and salutary measure. This body is again secured against corruption by being chosen only within thirty-four days of the election. In the old provinces, the Governors were annual officers, but they had no foreign policy to pursue, and their territorial jurisdiction was small. To preserve the principle of fresh appeals to the people, and at the same time insure consistency in the councils of the nation, the President's period of service was extended to four years.

In New England, the Governors were often constrained to yield to the House of Delegates, because they had the power to give, increase, diminish, or withhold their salary. The new

Constitution provides that he shall receive a stated sum, that can be neither augmented nor reduced during his term of office. To make him a constituent branch of the Legislature, and give him a voice equally potential with either or both of the other two Chambers, was not only incompatible with their ideas of equality, but did not appear to be demanded by any indispensable necessity. It was obvious, however, that he ought to possess the means of defending the executive department, as well as the just balance of the Constitution against usurpation. He was therefore invested with a qualified negative. When a bill has passed both Houses, that he disapproves of, he returns it, with his objections, to the Chamber in which it originated. If both Houses, after reconsideration, adhere to their bill, by a vote in each, of two-thirds of its members, it then becomes law, the qualified veto notwithstanding.

In the old compact of "Confederation of the United Colonies," under the first Republics of New England, we have seen that there was but one chamber, as now subsists in France. The experience of mankind* has unequivocally condemned the practice of leaving all legislation in the hands of any one unchecked body of men. The hasty violence and constant instability of their

* See Adams's Defence of the American Constitution, vol. III, p. 502. Also Kent's Commentaries.

proceedings have ever shown that they are unsafe depositories of power. Warned by the failures of the Italian Republics, which were all thus constituted, and having before them the example of the Royal Provincial Governments, in which there were two branches, they very wisely made Congress to consist of two chambers, the Senate and House of Representatives. Based on popular election, and adhering as closely as possible to the principle that the people were the source of all power, the Senate was so constructed as not to be a mere duplicate of the lower chamber. It consists of two members from each state, chosen, not by the people at large, but by the legislature for six years, and, by an admirable arrangement, one third vacate their seats biennially, by which means no very violent or sudden change can take place, and a large number of experienced men are always retained, well versed in the policy of the country, and the forms of the House. The conduct, dignity, knowledge, and authority of the Senate are the best evidence of the skill of those who made the salutary regulations that have produced this result.

The power to make treaties is lodged jointly with the President and the House. Better councillors it would be impossible to select for him. They possess the advantage of being easily assembled, and governed by steady, systematic

views, feel a due sense of national character, and can act with promptitude and firmness.

In the old Republic all officers were elective. In an immense country like the United States, it was obvious that to have recourse to the whole people on every occasion of a vacancy, if not impracticable, would be attended with ruinous delay, and greatly embarrass public business. The difficulty lay in knowing to whom to give this vast patronage. To place it in the hands of the President alone, would necessarily give him the means of corruption; to entrust it to the Senate, would render him contemptible, as he could have no voice in the selection of those officers, for the performance of whose duties, as the head of the executive, he was responsible. They obviated both objections, by giving him the sole power of nomination, and the right of approval or rejection to the Senate. Nomination is, for all practical purposes, equivalent to appointment; but the revision to which it is subject imposes on the President the necessity of avoiding favouritism, intrigue, and a careless use of patronage.

In no case, perhaps, is the advantage of this system more perceptible than in the judiciary of the United States. It is impossible to conceive a more admirable mode of selecting judges. In England the appointment rests with the minister of the day, and the choice is not always such as

meets the approbation of the bar or the public. In Canada the general rule used to be, *cæteris paribus*, that the senior member of the profession was held to possess the best claim to preferment. Even that mode is open to serious objections, but the present practice is beyond comparison the worst to be found in any country. A seat on the bench is now a political prize, and the dominant party claims it for partizans. None of those high qualifications so essential to the efficient and respectable discharge of judicial duties, neither talent, learning nor integrity are recommendations equal to political services. High and honourable as the office of judge is in England, it is infinitely more so in the great Republic. The commission is awarded neither by the personal friendship nor political sympathy of the President, but by the deliberate choice of that officer and the concurrence and approbation of all the States in the Union, as expressed by the collective voice of their senators. Well may that country be proud of its judiciary, when so constructed; and the judges of an appointment that rests solely on great abilities, undoubted rectitude of conduct, and universal respect.

The House of Representatives is composed of delegates of the several States. In the old Republic the elections were annual; an improvement has been made in the new by extending the

term to two years; a period which the best informed men in the country think still too short. As this is called the popular branch, its members being chosen directly by the people, while the Senate is the result of a double election, and less under their immediate control, it possesses the exclusive right of originating all bills for raising revenue, which is the only privilege it enjoys in its legislative character not participated in by the Senate, and even money-bills can be amended by them. The two Houses are an entire and perfect check upon each other, and one of them cannot even adjourn, during the session of Congress, for more than three or four days, without the consent of the other, nor to any other place than that in which both shall be sitting.*

It is not within the scope of this work to enter more at large on this subject. It was stated, in an early part of this volume, that republicanism in America was not the result of the revolution, but that it existed there from its first settlement. The whole of this historical narrative clearly proves that assertion. It was subsequently said, that in its original form it was infinitely more democratic than the present constitution of the United States; and to illustrate that position I have drawn up the foregoing brief comparison of the leading features

* See Kent's Commentaries, vol. 1, p. 223.

of each. In the course of our examination, succinct as it necessarily must be, enough appears to exhibit the delicate skill, consummate knowledge, enlarged views, and patriotism of the statesmen who framed the federal constitution. Nothing by any possibility could be devised more suited to the situation, feelings, wants, habits, and preconceived opinions of the people. It has conferred happiness and safety on many millions: may it ever continue to do so. *Esto perpetuo.*

CHAPTER VII.

DEMOCRATIC FORM OF CHURCH GOVERNMENT. ITS EFFECTS ON POLITICAL OPINIONS.

Different course pursued by the Church and Dissenters at the Reformation—Difference between Presbyterians, Independents, and Puritans—Three kinds of Puritans—Their doctrines and form of ecclesiastical government—Singular valedictory address of the Puritans to the members of the Church of England—Extraordinary union of Church and State among the former—Cause of present political unity of action between Dissenters and Romanists.

WHILE the people on the continent of Europe were engaged in the work of reformation, the Church of England, with equal zeal and more discretion, set herself about the great task of restoration. She had never voluntarily submitted to Rome, nor fully admitted her authority over her. She had been previously encroached upon from time to time, owing to the imbecility or

contentions of her princes, but had never failed either to resist or protest, to assert her exclusive jurisdiction, or to claim the exercise of her ancient usages.

If not anterior to that of Rome, the Anglican Church was at least coeval with it, being founded, as there is substantial ground for believing, by one of the Apostles. At a very early date, it had its orders of bishops, priests, and deacons, and subsisted, as independent in its action as it was isolated in position, for a period of nearly six hundred years, before the grasping and aspiring spirit of Rome attempted to seduce or force it into an acknowledgment of her supremacy. At the close of the sixth century, about the year 596, Gregory I. sent Augustine the monk to demand the submission of the English prelates, who, with their flocks, had gradually been driven westward by the barbarians that had invaded the island; and as these successful emigrants were heathens, he was at the same time instructed to Christianize them, if possible. In the first object of his mission he wholly failed, having received a decided refusal from the seven bishops, who assembled in Worcestershire to hear his proposition. In the latter (the conversion of the conquerors) he was more successful, and immediately assumed jurisdiction over his proselytes. The Papal power having thus obtained a footing, never afterwards

ceased its endeavours to enlarge it upon every practicable occasion, or plausible pretence.*

To shake off the errors and corruptions of Romanism, and preserve what was sanctioned by the usage of the apostolic age, was a work of great labour, and at the same time great delicacy. The task of the Church, unlike that of the impetuous and headstrong body of innovators who called themselves Protestant Reformers, was not to pull down and reconstruct, but thoroughly to repair and completely restore the ancient edifice in all its beauty, simplicity, and proportion. Nobly was this arduous and important duty performed. Search was made for the forms of the olden time, before the irruption of the Roman priesthood, for the prayers in all the ancient sees were not alike, as each bishop had, according to primitive custom, the power of regulating the liturgy of his own diocese. From these authentic sources was compiled with great labour and infinite patience the Book of Common Prayer, which has extorted from one of the most learned and eminent Dissenting divines of this century this extraordinary eulogium: "That it is by far the greatest uninspired work extant."†

Romanists themselves, when permitted to exer-

* Bennet on Common Prayer. Theophilus Anglicanus.

† Hall.

cise an independent judgment, admitted its unexceptionable character and great beauty, and joined in its use for more than twelve years. Two of the Popes, Paul and Pius IV., went so far as to offer to sanction it if Queen Elizabeth would acknowledge the supremacy of the Pope. Upon her refusal she was excommunicated, in 1569, and from that period British Papists became schismatics.

The English Dissenting Reformers, though not so ignorant as those of the continent, were, with some distinguished exceptions, in general violent and vulgar fanatics. They were but little acquainted with the history or antiquity of their own primitive church, and cared still less about it; all they knew was, that even when purified and restored, it still resembled that of Rome too much to please them. As they had rejected the Pontiff, they saw no reason to obey a bishop; and it was obvious to the meanest capacity, that if the regular clergy were abolished, tithes would necessarily cease also. So convenient and so unscrupulous a party were soon seized upon by politicians to advance their own ends. They were told then, as their descendants are informed to this day, by the leading Liberals of England, who view with no friendly eye such a Conservative body as the Church, that it was the child of the Reformation, the offspring of chance, and the result of a com-

promise between Royal prerogative, Papal pretension, and popular rights; that it had neither the antiquity of the old nor the purity of the new faith, and that it was behind the enlightenment of the age. In fact, it was stigmatized as deriving its origin from no higher authority than an Act of Parliament. Macaulay has lent his aid to perpetuate this delusion, and the innovating propensities of the Whigs may well be imagined from the fact, that even history is not safe in the hands of a reformer.

As this dissentient body, at a subsequent period, furnished the pioneers who settled in New England, it is necessary to take a cursory view of their position, divisions, and political and religious principles, that we may understand the character and temper of the people we have been treating of.

There were at that time three great parties of Nonconformists in the parent country—the Presbyterians, the Independents, and the Puritans. There were some points in which they all agreed, but there was a broad line of distinction among them in others. They concurred in a thorough hatred of Popery and prelacy, which they effected to consider nearly synonimous terms, and united in a desire to restrain the regal authority, but different in degree. The Presbyterians, from the habit of mingling politics with their religious discourses, often gave vent to violent and seditious

language. A preacher at St. Andrews, called Monarchs "Beelzebub's children," and not long after, another at Edinburgh, said the King had been possessed of a devil, and that one being expelled, seven more fierce and unclean had entered in his place, and wound up by declaring that the people might lawfully use and take the sword out of his hand. But, notwithstanding these ebullitions of vulgar abuse and priestly insolence, the party in general, both in England and Scotland, were desirous of going no farther than reducing the King to the simple station of first magistrate.

The Independents wished to abolish the monarchy altogether, as well as the aristocratic order, and projected an entire equality of rank, and the establishment of a free and independent republic. At the same time they differed from the other two in upholding toleration; and it has often been remarked as a singular fact, that so rational a doctrine did not emanate from reason, but from the height of extravagance and fanaticism.* They neglected all ecclesiastical establishments, and would admit of no spiritual courts, no government among pastors, no interposition of the magistrate in religious concerns, and no fixed encouragement annexed to any system of doctrines or opinions. According to their principles, each congregation

* Hume.

united voluntarily, and by spiritual ties, composed within itself a separate church, and exercised a jurisdiction destitute of temporal sanctions over its own pastor and its own members. The election alone was sufficient to bestow the sacerdotal character; and as all essential distinctions were denied between the laity and the clergy, no ceremony, no institution, no vocation, and no imposition of hands was, as in all other churches, supposed requisite to convey a right to holy orders. The enthusiasm of the Presbyterians led them to reject the authority of prelates, to throw off the restraint of liturgies, to retrench ceremonies, to limit the riches and power of the priestly office. The fanaticism of the Independents, exalted to a higher pitch, abolished ecclesiastical government, disdained creeds and systems, neglected every pre-existing form, and confounded all ranks and orders. The soldier, the merchant, the mechanic, indulging the fervours of zeal, and guided by the impulse of the spirit, resigned himself to an inward and superior direction, and was consecrated, in a manner, by an immediate intercourse and communication with Heaven.

The Puritans again, were divided into three classes, which, though commonly united, were yet actuated by different views and motives.* First—

* See Neal's History of the Puritans.

There were the political Puritans, who maintained the highest principles of civil liberty. Secondly—The Puritans in discipline, who were averse to the ceremonies and episcopal government of the church. Thirdly—The doctrinal party, who rigidly defended the speculative system of the first reformers. These subdivisions are not very intelligible nor interesting to the general reader, and subsequent events have rendered them of less importance*. The despised and persecuted Episcopal Church of England has, by the blessing of God, taken deep root in America: the uniformity of its practice, the simplicity and beauty of its ceremonies, the fixed and established principles of its creeds and doctrines, have survived the factious or prejudiced sects that opposed it; many of whose adherents, have at last found shelter and repose in its bosom from the doubts, contentions, and schisms in which they had been involved. The rest have changed with the mutations of times; for dissent carries within it the seeds of its own dissolution. The Puritans have declined into Unitarians. The Presbyterians of the States are becoming Anabaptists, Socinians, or Churchmen, more than three hundred of their clergy having recently sought episcopal ordination; while toleration or neglect, fashion, or ridicule, have nearly

* See Hume, from whom these distinctions have been freely extracted.

vanquished the Quakers. The Baptists again have separated into an endless variety of sects.* It is

* They are thus described by a recent traveller in the Western States. He informs us, "that he saw on one occasion about a thousand men and women in a grove, rolling hoops, flying kites, playing ball, shooting marbles, leaping, running, wrestling, boxing, rolling and tumbling in the grass; the women caressing dolls, and the men astride of sticks for horses, and the whole company intently engaged in all the sports of childhood. At last he ventured to ask what it meant. They told him they professed to be little children, to whom the Lord had promised his kingdom, and affected some surprise that he seemed not to have known that it was written, 'Except ye be converted, and become as little children, ye shall in no case enter the Kingdom of God.' He told them that that was true; that it was very well to imitate the virtues of infancy, but not its foibles; that the Apostle had said: 'In malice be ye children, but in understanding be men;' and this extraordinary conduct was the folly of childhood, without its immaturity to excuse it. 'We are not at all surprised that you think so,' they replied, 'for we are a reproach unto our neighbours, and they of our acquaintance do hide themselves from us; but we are willing to suffer persecution for the kingdom of heaven's sake; for these things are hidden, as it is written, from the wise and prudent, and are revealed unto *babes*.'".

The reader may see in the histories of the Reformation, and even in D'Aubigné himself, that this sect is the genuine successor of the original Baptist body in Germany, Switzerland, and England, who ran many of them naked, in the pretended innocence of childhood, vociferating through the streets, rolling and tumbling, and affecting all the sports of children, believing that the truth is revealed

not very probable that the Puritans of Massachusetts had agreed upon their form of ecclesiastical government before they left England; but they concurred in their dislike to the ceremonies and doctrines of the church. Their last act, when embarked and ready for sea, was to send the following circular to the clergy of the Established Church. It is a long document; but it is such a remarkable piece of insincerity, that is impossible to rise from its perusal, without feeling that it justified all the doubts that were subsequently entertained of their attachment to the parent state. The only way that it can be accounted for is, by supposing either that they were labouring under conscious terror at the breach of faith they had committed, in surreptitiously removing the Charter to America, and feared that they might be pursued and punished, or that they dreaded, from the size of the fleet, and the number of emigrants, if they were constrained, by stress of weather, to put back into an English port, they might be prevented from withdrawing from the kingdom; but neither expediency on the one hand, nor apprehension from danger on the other, offer any palliation for such a wide departure from the truth:—

"The humble request of his Majesty's loyal sub-

by the Spirit to babes; throwing the Word of God into the fire, exclaiming, says D'Aubigné, "that the letter killeth, but the spirit giveth life."

jects, the Governor and Company late gone for New England, to the rest of their brethren in and of the Church of England.

" Reverend Fathers and Brethren,

" The generall rumour of this solemne enterprise, wherein ourselves and others, through the providence of the Almightie, are engaged, as it may spare us the labour of imparting our occasion unto you, so it gives us the more encouragement to strengthen ourselves by the procurement of the prayers and blessings of the Lord's faithful servants. For which end we are bold to have recourse unto you, as those whom God hath placed nearest his throne of Mercy; which, as it affords you the more opportunity, so it imposeth the greater bond upon you to intercede for his people in all their straights. We beseech you, therefore, by the mercies of the Lord Jesus, to consider us as your brethren; standing in very great need of your helpe, and earnestly imploring it. And howsoever your character may have met with some occasion of discouragement, through the misreport of our intentions, or through the disaffection, or indiscretion of some of us, or rather amongst us, for we are not of those who dreame of perfection in this world, yet we desire you would be pleased to take notice of the principles and body of our company as those *who esteeme it an honour to call the Church of Eng-*

land from whence we rise, our deare Mother, and cannot part from our native countrie, where she specially resideth, without much sadness of heart, and many tears in our eyes, ever acknowledging that such hope and part as we have obtained in the common salvation, we have receiued in her bosome, and suckt it from her breast. We leave it not, therefore, as loathing that milk wherewith we were nourished then, but blessing God for the parentage and education, as members of the same body, and shall always rejoice in her good, and unfainedly grieve for any sorrow that shall ever betide her, and while *we have breath,* syncerely desire and indear over the continuance and *abundance of her welfare,* with the enlargement of her bounds in the Kingdom of Christ Jesus.

" Be pleased, therefore, Reverend Fathers and Brethren, to helpe forward this worke now in hand, which, if it prosper, you shall be the more glorious, howsoever your judgment is with the Lord, and your reward with your God. It is an usual and laudable exercise of your charity to recommend to the prayers of your congregation the necessities and straights of your private neighbours. Doe the like for a Church springing out of your own bowels. What we intreat of you, that are the ministers of God, that we crave at the hands of all the rest of our brethren, that they would at no time forget us

in their private solicitations at the throne of Grace. And so commending you to the Grace of God in Christ, we shall ever rest,

"Your assured friends and brethren,*

"Jo. WINTHORPE, Gov.

"*and others.*

"From Yarmouth,
"Aboard the 'Arabella,'
"April 7th, 1630."

Notwithstanding the affectionate language of this valedictory address, it appears that they knew what measures had been adopted by the first portion of the adventurers, under their agent Endicot, for establishing Congregationalism at Salem, and were fully informed of what the inhabitants of Plymouth had done. In one short month after their arrival, they commenced to lay the foundation of a church, as dissimilar as possible from that to which they had so recently called God to witness they were so warmly attached. Subsequently their principles were formally developed and were distinguished by Mr. Cotton, their leading divine, at Boston.

First. The subject matter of the visible Church, viz., saints by calling. Such as are acquainted

* Some portion of the address, imploring the prayers of their dear brethren, is omitted.

with the principles of religion, and who profess their faith, and the manner how they were brought to the knowledge of God, by faith in Christ, either *viva voce*, or else by a public declaration thereof, made by the elders, as it has been delivered to them in private, although if such profession be scandalized by an unchristian conversation, it is not to be regarded. Secondly. The constitutive part of a particular visible Church ought to be a re-stipulation or natural covenantry to walk together in their Christian communion, according to the rule of the Gospel. Thirdly. No Church ought to be of a larger extent, or greater number, than may ordinarily meet together in one place, for the enjoyment of all the same numerical ordinances, and celebrating divine worship, nor fewer ordinarily, than may carry on Church work. Fourthly. That there is no jurisdiction to which particular Churches are or ought to be subject, by way of authoritative censure, nor to any other Church power, extrinsical to such Churches, which they ought to depend upon any other sort of men for the exercise of.

By the three first of these fundamental doctrines voluntary combination was established as the principle of action; by the last total independance of the English, or any other ecclesiastical establishment, was secured. When a sufficient number of persons were gathered together, they

of their own free will and accord combined, and formed a church, and by a majority of votes elected, and in the same way dismissed their minister. There were regularly two pastors to each congregation; a teacher "to minister a word of knowledge," and another "to minister a word of wisdom," a distinction which soon terminated in the appointment of one only, who was supported in some places by voluntary offerings, and in others by rates; which latter was subsequently adopted and finally enforced by law. They were sometimes designated as "teaching elders" to distinguish them from "ruling elders." The latter were, "ancient, godly experienced Christians, of lion-like courage when the sound and wholesome doctrines declared by pastor or teacher are spoken against by any one." 'There were also deacons,' "plain-dealing men endowed with wisdom from above to manage the Church treasury."

The synods were recognised as merely auxiliary bodies of advice; but were not allowed to exercise any authority or jurisdiction over particular churches, nor pronounce censures or enforce discipline. They were said to be in their own language, "consultative, decisive and declarative, but not co-active," and the union of lay and church members was thought to be typified by Moses and Aaron meeting on the Mount and kissing

each other. A miracle (which they ridiculed when claimed by Romanists), attested the divine approbation of such institutions. On one occasion, when they were all assembled, a snake suddenly appeared near the seat occupied by the Elders. Many of them shifted from it, but Mr. Thompson, of Breamtree, "a man of much faith," trod upon its head, and so held it with foot and staff till it was killed. "This being so remarkable," says Winthrop, "and nothing falling but by Divine Providence, it is out of doubt, the Lord discovered somewhat of his mind in it. The serpent is the Devil, the synod the representative of the Churches of Christ in New England. The Devil had formerly and lately attempted their disturbance and dissolution; but their faith in the seed of the woman, overcame him, and crushed his head." But although both the civil and religious bodies severally disclaimed all control over each other, they soon found it convenient to give and receive mutual assistance. As both belonged to the same Church, this reciprocal accommodation, it was thought, would be attended with little or no danger; while each in its turn derived additional weight from the interchange of protection.

It is not necessary to pursue this subject into detail. Sufficient has been said to show that

Church and State were based on Republican principles. The intimate connection subsisting between the form of an ecclesiastical establishment, and the political opinions of its members, is manifest to all those acquainted with the practical working of elective institutions. In England, Dissenters almost universally support the Whigs not from love or respect, but because they are less disposed than the Tories to uphold the Church; and are more pliable and latitudinarian. In utter ignorance that they owe their safety from persecution, and, indeed, their very existence, to the shelter afforded to them by the Establishment against Popery, they idly suppose if it were prostrated, they would be advanced both in power, wealth and station. In like manner the Romanists also coalesce with them; and notwithstanding the present outcry about Papal aggression, will continue to do so, not only on similar grounds, but on a certain conviction, that if the Church of England be essentially crippled by the State, the only shield to Protestantism in Europe is destroyed, and Popery will not only be again triumphant, but universal.

It is this similarity of object that has effected a political union of action between the two most irreconcilable and impracticable bodies in the world. In nothing, perhaps, is the knowledge, skill, foresight, and untiring perseverance of Rome,

or the ignorance and infatuation of dissent, more conspicuous. Nor is this remarkable elective sympathy confined to England: it is exhibited in every part of the British empire where constitutional government exists.

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